

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Routine Mail	33-210.101
Legal Documents and Legal Mail	33-210.102
Privileged Mail	33-210.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to: provide for the copying of incoming correspondence that is disapproved for specified reasons in order to allow review of the rejected material during the inmate grievance process; to provide for consistency in rule language; to provide for the handling of mail between inmates and persons under civil commitment as sexually violent predators; and to clarify what must be included in the institution address on incoming and outgoing correspondence.

SUBJECT AREA TO BE ADDRESSED: Inmate mail.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.101 Routine Mail.

(1) through (6) No change.

(7) Correspondence with inmates of other penal institutions shall be subject to the prior approval of the warden of each institution. Either warden shall withhold approval if he finds that the intended correspondence would present a substantial threat of interference with the security, order or rehabilitative objectives of his institution.

(8) Correspondence with individuals under civil commitment as sexually violent predators shall be subject to the prior approval of the warden. The warden shall withhold approval if he finds that the intended correspondence would present a substantial threat of interference with the security, order or rehabilitative objectives of his institution.

(9)(8) Inmates shall not use correspondence privileges to solicit or otherwise commercially advertise for money, goods or services. For the purposes of this rule this includes advertising for pen-pals; inmates are not prohibited from corresponding with pen pals, but shall not place ads soliciting pen pals. Inmates are prohibited from receiving correspondence or materials from persons or groups marketing advertising services, or from subscribing to advertising services. Inmates who post ads or have ads posted with the assistance of another person shall be subject to disciplinary action.

(10)(9) No change.

(11)(10) Outgoing or incoming mail shall be disapproved for mailing or delivery to the inmate if any part of it:

(a) Depicts or describes procedures for the construction of or use of weapons, ammunitions, bombs, chemical agents, or incendiary devices;

(b) Depicts, encourages, or describes methods of escape from correctional facilities or contains blueprints, drawings or similar descriptions of Department of Corrections facilities or institutions, or includes road maps that can facilitate escape from correctional facilities;

(c) Depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs or other intoxicants;

(d) Is written in code;

(e) Depicts, describes or encourages activities which may lead to the use of physical violence or group disruption;

(f) Encourages or instructs in the commission of criminal activity;

(g) Is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, violation of department or institution rules, the violation of which would present a serious threat to the security, order or rehabilitative objectives of the institution or the safety of any person;

(h) Threatens physical harm, blackmail or extortion;

(i) Pictorially depicts sexual conduct as defined by Section 847.001, F.S., as follows:

1. Actual or simulated sexual intercourse;

2. Sexual bestiality;

3. Masturbation;

4. Sadoomasochistic abuse;

5. Actual contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast;

6. Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

(j) Presents nudity or a lewd exhibition of the genitals in such a way as to create the appearance that sexual conduct is imminent, i.e., display of contact or intended contact with genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.

(k) Contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;

(l) Is not in compliance with incoming mail regulations set forth in subsections (2) and (3) of this rule (incoming mail only);

(m) Contains or appears to contain unknown or unidentifiable substances; or

(n) Otherwise presents a threat to the security, order, or rehabilitative objectives of the Correctional System, or to the safety of any person.

~~(12)(11)~~ No inmate may establish or conduct a business through the mail during his period of incarceration.

~~(13)(12)~~ Inmates shall be prohibited from entering contests or sweepstakes through the mail while incarcerated.

~~(14)(13)~~ When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given to the inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If the incoming mail is disapproved for one of the reasons listed in subsections (7), (8), or (9), paragraph (11)(a) through (k) or (n), subsection (12) or (13) of this rule, the institution shall make a copy of the correspondence before returning it to the sender with the Unauthorized Mail Return Receipt, Form DC2-521, included. If unauthorized items are contraband is discovered in the mail (other than items contraband of an illegal nature), the unauthorized contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt, Form DC2-251, included. In either case the inmate may file a grievance to be reviewed by an officer or official other than the person disapproving the mail. Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~December 4, 2002.~~

~~(15)(14)~~ The address of all incoming mail must contain the inmate's committed name, identification number and institutional address. The return address of all outgoing mail must contain ~~only~~ the inmate's committed name, identification number and institutional name and institutional address. The inmate's dorm and bunk locations are not required in either the address of incoming mail or the return address of outgoing mail. No prefix other than inmate, Mr., Ms., Miss, or Mrs. nor any suffix other than Jr., Sr. or Roman numeral such as II or III may be included as part of the committed name in the return address. The institutional name in the return address must be spelled out completely with no abbreviations. All outgoing routine mail will be stamped "mailed from a state correctional institution" by mail room staff.

(15) through (20) renumbered (16) through (21) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, _____.

33-210.102 Legal Documents and Legal Mail.

(1) through (6) No change.

(7) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If unauthorized items are contraband is discovered in the mail (other than items contraband of an illegal nature), the unauthorized contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(8) Processing of Legal Mail.

(a) All incoming legal mail will be opened in the presence of the inmate to determine that the correspondence is legal mail and that it contains no unauthorized items contraband. Only the signature and letterhead may be read. If the incoming mail is not legal mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (8) of this rule because it was being transmitted under the guise of legal mail. The inmate whom the mail was addressed shall receive a copy of the form letter.

(b) Inmates shall present all outgoing legal mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is legal mail and that it contains no unauthorized items contraband. Only the address may be read to determine whether it is properly addressed to a person or agency listed in subsection (2) of this rule. If the outgoing mail contains unauthorized items contraband or is not legal mail, the inmate shall be subject to

disciplinary action. If the outgoing mail is legal mail and it contains no unauthorized items ~~contraband~~, the mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp. For confinement areas, the staff member who picks up the legal mail each day shall stamp the documents, have the inmate place his or her initials next to the stamp, and have the inmate seal the envelope in the staff member's presence. The use of mail drop boxes for outgoing legal mail is prohibited.

(c) through (12) No change.

(13) The address on all incoming legal mail should contain the inmate's committed name, identification number, institutional name and address; the inmate's dorm and bunk locations are not required. However, if the addressee can be identified, the mail shall be delivered without delay. When legal mail cannot be delivered because the envelope does not contain enough information for a positive identification of the inmate recipient, the mail will be returned to the sender along with Form DC2-528, Legal Mail – Unable to Deliver. Form DC2-528 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is August 25, 2003.

(14) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. The inmate's dorm and bunk locations are not required. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.

(15) through (16) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03,

33-210.103 Privileged Mail.

(1) through (2) No change.

(3) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If unauthorized items are ~~contraband~~ is discovered in the mail (other than items ~~contraband~~ of an illegal nature), the unauthorized ~~contraband~~ item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(4) Processing of Privileged Mail.

(a) All incoming privileged mail shall be opened in the presence of the inmate to determine that the correspondence is privileged mail and that it contains no unauthorized items ~~contraband~~. Only the signature and letterhead may be read. If the incoming mail is not privileged mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (4) of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(b) Inmates shall present all outgoing privileged mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is privileged mail and that it contains no unauthorized items ~~contraband~~. Only the address may be read to determine whether it is properly addressed to a person or agency listed in subsection (1) of this rule. If the outgoing mail contains unauthorized items ~~contraband~~ or is not privileged mail, the inmate shall be subject to disciplinary action.

(c) No change.

(5) The address on all incoming privileged mail should contain the inmate's committed name, identification number, institutional name and address. The inmate's dorm and bunk locations are not required. However, if the addressee can be identified, the mail shall be delivered without delay.

(6) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. The inmate's dorm and bunk numbers are not required. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing privileged

mail with the complete institutional name and address and shall mail it without delay. All outgoing privileged mail will be stamped "mailed from a state correctional institution" by mail room staff.

(7) through (8) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended 5-5-02, 12-4-02,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications Incorporated by Reference

RULE NO.: 40E-2.091

PURPOSE AND EFFECT: Current consumptive use permitting criteria prevent allocation of additional surface water from District controlled surface water bodies in the Indian Prairie Basin, located northwest of Lake Okeechobee and extending to Lake Istokpoga. This rule development will address revision of the criteria based upon water resource related developments within the Indian Prairie Basin.

SUBJECT AREA TO BE ADDRESSED: To amend Section 3.2.1 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – August 31, 2003" to revise the rules based upon water resource related developments within the Indian Prairie Basin.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., Wednesday, June 2, 2004

PLACE: South Florida Water Management District, Okeechobee Service Center, Fisheating Bay Conference Room, 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34972, (561)686-8800 or 1(800)432-2045

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For technical issues: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6817 or

(561)682-6817, e-mail: sburns@sfwmd.gov; For procedural issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259 or (561)682-6259, e-mail: jrader@sfwmd.gov. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Regional Water Shortage Plans

RULE CHAPTER NO.: 40E-22

PURPOSE AND EFFECT: The current regional water shortage plan in Part I, Chapter 40E-22, F.A.C., sets minimum water levels and flows for canals and other water bodies within the Indian Prairie Basin and states a water shortage plan specific to this region. Operation of the Central & Southern Florida Flood Control Project in the Indian Prairie region during the 2000-2001 drought indicated revisions to this Plan are necessary to reflect updated system operations. This rule development will address revision of the rules based upon water resource related developments within the Indian Prairie Basin.

SUBJECT AREA TO BE ADDRESSED: To amend Part I, Chapter 40E-22, F.A.C., to revise the rules based upon water resource related developments within the Indian Prairie Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.086, 373.103, 373.175, 373.246 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., Wednesday, June 2, 2004

PLACE: South Florida Water Management District, Okeechobee Service Center, Fisheating Bay Conference Room, 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34972, (561)686-8800 or 1(800)432-2045

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For technical issues: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6817 or (561)682-6817, e-mail: sburns@sfwmd.gov; For procedural

issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259 or (561)682-6259, e-mail: jrader@sfwmd.gov. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF TRANSPORTATION

Commission for the Transportation Disadvantaged

RULE TITLE: Community Transportation Coordinator

RULE NO.: 41-2.011

Powers and Duties

41-2.011

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

SUBJECT AREA TO BE ADDRESSED: Community Transportation Coordinator Powers and Duties.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.0155 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lisa Bacot, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

41-2.011 Community Transportation Coordinator Powers and Duties.

(1) through (2) No change.

(3) When the Community Transportation Coordinator determines that a current contracted transportation operator is unable to provide the needed transportation services, the Community Transportation Coordinator may utilize a transportation provider that is not retained by contract with the Community Transportation Coordinator. This usage shall be incidental, not to exceed 5% of the previous year's total trip volume. Upon written request, the Community Transportation Coordinator may seek the Executive Director's approval to exceed 5% of the previous year's total trip volume. The Executive Director must respond, in writing, to the Community Transportation Coordinator's request by the end of the next business day. These non-contracted transportation providers must comply with the following:

(a) Be subject to a governmental ordinance relating to vehicles for hire services:

(b) Utilize certified meters and bill for services in accordance with the meter rate and/or established published flat rates;

(c) Maintain minimum insurance requirements as set forth in subsection 41-2.006(1), F.A.C.;

(d) Provide to the Community Transportation Coordinator the records of a Florida Department of Law Enforcement background check and Florida Department of Highway Safety and Motor Vehicles Driver License History Check of drivers; and

(e) At least once a year, allow the Community Transportation Coordinator to perform biennial vehicle inspections or review inspection reports.

~~(4)(3)~~ Pursuant to the conditions set forth in the Memorandum of Agreement, the Community Transportation Coordinator shall develop, implement, and monitor an approved Transportation Disadvantaged Service Plan. This plan shall be approved by the Coordinating Board and forwarded to the Commission for review and final disposition.

~~(5)(4)~~ Each Community Transportation Coordinator shall submit a report on operational statistics by September 15, each year to the Commission. A copy should also be provided to the Metropolitan Planning Organization or Designated Official Planning Agency.

~~(6)(5)~~ The Community Transportation Coordinator shall maximize the utilization of school bus and public transit services in accordance with Section 427.0158, Florida Statutes. Any utilization data shall be included in operational statistics provided to the coordinated system.

~~(7)(6)~~ In cooperation with the local Coordinating Board, the Community Transportation Coordinator shall review all applications for local government, federal and state transportation disadvantaged funds submitted from or planned for use in their designated service area. If funds are recommended for approval, the Community Transportation Coordinator, in cooperation with the Coordinating Board, will develop and implement cost-effective coordination strategies for their use and integration into the coordinated system.

~~(8)(7)~~ Funding to support the Community Transportation Coordinator's functions associated with documented coordination activities may be obtained from a coordination fee as part of each trip arranged, from subsidies received or both and upon approval by the Coordinating Board.

~~(9)(8)~~ Each Community Transportation Coordinator shall be aware of all of the transportation disadvantaged resources available or planned in their designated service area in order to plan, coordinate, and implement the most cost effective transportation disadvantaged transportation system possible under the conditions that exist in the designated service area.

~~(10)(9)~~ Contractual administration of Community Transportation Coordinators shall be accomplished through a Memorandum of Agreement between the Commission and the Community Transportation Coordinator in accordance with the

procedures of the Commission. Transportation services purchased from or arranged by the Community Transportation Coordinator will be billed to purchasing agencies by the Community Transportation Coordinator at the rates identified in the approved Transportation Disadvantaged Service Plan or Coordination Contract and recognize any special conditions as specified by the purchasing agency. Payment for services will be made directly to the Community Transportation Coordinator unless otherwise agreed upon, in writing, by the purchaser and the Community Transportation Coordinator. Other contractual arrangements shall be followed as specified in this rule chapter.

Specific Authority 427.013(9) FS. Law Implemented 427.0155 FS. History—New 5-2-90, Amended 6-17-92, 6-15-93, 7-11-95, 5-1-96, 10-1-96, 3-10-98, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Disputed Reimbursement Rule	59A-31
RULE TITLES:	RULE NOS.:
Disputed Reimbursement Avoidance	59A-31.001
Disputed Reimbursement Resolution	59A-31.002
Utilization and Reimbursement Dispute Resolution Definitions	59A-31.003
Requirements for Filing a Petition	59A-31.004
Required Carrier Documentation	59A-31.005
Petition Determination	59A-31.006
Penalties	59A-31.007

PURPOSE AND EFFECT: To substantially reword Chapter Rule 59A-31, F.A.C., to clarify the requirements for petitioning the agency to resolve utilization and reimbursement disputes between health care providers and workers' compensation carriers.

SUBJECT AREA TO BE ADDRESSED: The agency's Utilization and Reimbursement Dispute process.

SPECIFIC AUTHORITY: 440.13(7) FS.

LAW IMPLEMENTED: 440.13(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Beverly Williams, Medical Health Care Program Analyst, AHCA, Workers' Compensation Unit, 2727 Mahan Drive, Mail Station 27, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-31.001 Disputed Reimbursement Avoidance.

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a),(i) FS. History—New 5-15-1991, Formerly 38F-7.517, 4L-7.517, Repealed _____.

59A-31.002 Disputed Reimbursement

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a),(i) FS. History—New 5-15-91, Formerly 38F-7.517, 4L-7.517, Repealed _____.

59A-31.003 Utilization and Reimbursement Dispute Resolution Definitions.

(1) “Adjusted” or “Adjustment” means that the payment amount is different from the amount billed based on an agreed-upon contract price or the maximum reimbursement allowance for each discrete procedure code billed by a health care provider for reimbursement by the carrier.

(2) “Agency” means the Agency for Health Care Administration.

(3) “Billing error” means inaccurate submission of procedure codes and procedure code modifiers or diagnosis codes, by health care providers pursuant to reporting requirements of Chapter 440, F.S., or the submission of a billing form not promulgated pursuant to Chapter 440, F.S.

(4) “Consolidated petition,” means a request for resolution of a utilization or reimbursement dispute for multiple dates of service for which the carrier has disallowed or adjusted the payment amount.

(5) “Disallowance” or “Disallowed” means that no payment is made for a specific procedure code or other service reported by a health care provider to an insurer for reimbursement based on the identification of a billing error or inappropriate utilization as defined in this rule.

(6) “Explanation of Bill Review” (EOBR) means the codes and written explanation of an insurer’s reimbursement decision sent to the health care provider.

(7) “Inappropriate Utilization” means the inappropriate treatment or care based on medically accepted standards relating to both the level and the quality of health care and health care services provided to a patient.

(8) “Instance of overutilization” is defined in Section 440.13(1)(k), F.S.

(9) “Medical bill review” means the review of a health care provider’s bill by the carrier, pursuant to Chapter 440, F.S., and all applicable rules, to ensure proper billing and reporting of services by the health care provider; to identify billing errors and inappropriate utilization, which must be disallowed or adjusted; and to determine an accurate and timely reimbursement for services reported to the carrier.

(10) “Medical record” means a medical file which contains information that identifies the patient, supports the diagnosis, justifies the treatment, and documents the care provided.

(11) “Pattern or practice of arbitrary or unreasonable disallowance or adjustment of payments” means repetition of improperly adjusted or disallowed reimbursement.

(12) “Petition” means request for the resolution of a utilization or reimbursement dispute arising from the carrier’s disallowance or adjustment of payment for services rendered pursuant to Chapter 440, F.S.

(13) “Reimbursement dispute” is defined in Section 440.13(1)(r), F.S.

(14) “Utilization dispute” means any disagreement arising between a provider and the carrier when the payment for services is adjusted or disallowed, as the result of the carrier’s finding of overutilization mandated under Section 440.13(6), F.S.

(15) “Valid petition” means the determination by the agency that all requirements for filing have been met pursuant to Section 440.13(7), F.S. and these rules.

Specific Authority 440.13(7) FS. Law Implemented 440.13 FS. History–New _____.

59A-31.004 Requirements for Filing a Petition.

(1) Petitioners may file a petition or a consolidated petition with the agency for a determination pursuant to Section 440.13(7), F.S., to resolve an utilization or reimbursement dispute arising from an adjustment or disallowance for a service or services rendered.

(2) All petitions must be filed with the agency pursuant to the requirements in Section 440.13(7)(a), F.S., and these rules to be considered valid.

(3) All petitions filed with the agency must include, at a minimum:

(a) A copy of the original and resubmitted bills, and corresponding attachments, if applicable;

(b) A copy of relevant portions of the medical record substantiating services relating to the contested reimbursement;

(c) A copy of the EOBR(s) and other correspondence received from the carrier or, if no EOBR(s) or other correspondence has been provided, a copy of notations documenting dates of communications between the petitioner and the carrier to resolve the dispute; and

(d) A copy of the provider’s record of initial authorization and subsequent authorization relating to the contested reimbursement, including renewed authorizations or modified authorizations received from the carrier;

(4) The documentation requirements of subsection (3) of this rule do not apply when the petitioner provides notice to the affected parties pursuant to Section 440.13(7)(a), F.S.

Specific Authority 440.13(7) FS. Law Implemented 440.13 FS. History–New _____.

59A-31.005 Required Carrier Documentation.

The carrier’s documentation must include, at a minimum:

(1) A copy of all bills and attachments, if applicable;

(2) A copy of all documentation upon which the reimbursement determination was made;

(3) A copy of all EOBRs, or similar document from the carrier explaining the disallowance(s) or adjustment(s);

(4) A copy of notations documenting dates and communications between the petitioner and the carrier to resolve the dispute;

(5) The authorization agreement specific to the dispute;

(6) The reimbursement agreement between the carrier and provider; and

(7) The carrier’s corrective action plan developed with the provider in response to the carrier’s identification of the inappropriate utilization of services and deviation from the authorized treatment plan.

Specific Authority 440.13(7)(b) FS. Law Implemented 440.13 FS. History–New _____.

59A-31.006 Petition Determination.

(1) The scope of the petition determination shall be limited to disputes arising from reimbursement decisions made on medical care and treatment rendered for conditions accepted by the carrier as work related.

(2) A determination shall be issued pursuant to the requirements of Section 440.13(7)(c), F.S., and may include recommendations for further administrative action pursuant to this rule and other provisions of Chapter 440, F.S.

Specific Authority 440.13(7) FS. Law Implemented 440.13 FS. History–New _____.

59A-31.007 Penalties.

(1) Penalties for Carrier Violations.

(a) A carrier found by the agency to have improperly adjusted or disallowed payment to a health care provider shall be subject to the penalties pursuant to Section 440.13(7)(f), F.S., and the following fine(s).

1. \$500 per instance of improper adjustment or disallowance in direct conflict with the schedule of maximum reimbursement allowances or the agreed upon contract price in effect at the time the service was rendered.

2. \$2,500 per instance of improper adjustment or disallowance in conflict with the carrier’s established utilization review program criterion in effect at the time the reimbursement determination was made, including practice parameters and protocols or standards of care mandated under Chapter 440, F.S.

(b) A carrier determined by the agency to have engaged in a pattern or practice of arbitrarily or unreasonably disallowing or adjusting payments during a consecutive two (2) year period

shall be fined \$200 per instance, and fines for each instance thereafter shall increase by increments of \$500 per case. A two (2) year period shall begin on the date of the agency's determination that a pattern or practice exists and shall run continuously for two (2) consecutive calendar years, or portions thereof.

(2) Penalties for Health Care Provider Violations.

(a) Health care provider medical claims data and complaint files may be reviewed, and medical bill review audits may be conducted pursuant to Section 440.13(11)(a), F.S., as the result of petitions filed in accordance with this rule and Section 440.13(7), F.S., to determine if a provider has engaged or engages in, as a general business practice, over utilization, improper billing or any violation of Chapter 440, F.S.

(b) Penalties and fines may be imposed pursuant to Section 440.13(8), F.S., and this rule for agency findings of patterns and practices of overutilization, improper billing, or non-compliance with established medical treatment protocols and practice parameters.

(c) The fine amount shall be according to the following schedule and shall be based on the severity of the instances relating to the health, safety, or security of the injured employee:

1. \$500 per occurrence when the instance creates no actual harm or evidence of potential harm to the injured employee's ability to return to suitable gainful employment, his or her medical stability or appropriate progress in recovery.

2. \$1,000 per occurrence when the instance creates an indirect or potential harm to the injured employee's ability to return to suitable gainful employment, his or her medical stability or appropriate progress in recovery.

3. \$2,500 per occurrence, de-authorization of care under review, denial of payment of care rendered in the future and notification of and review by the appropriate licensing authority pursuant to Section 440.106(3), F.S., when the instance creates a direct or immediate harm to the injured employee's ability to return to suitable gainful employment, his or her medical stability or appropriate progress in recovery.

4. \$5,000 per occurrence, decertification as an Expert Medical Advisor, an order from the agency barring the provider from payment under this chapter, and notification of and review by the appropriate licensing authority pursuant to Section 440.106(3), F.S., when the instance creates imminent danger or the substantial probability that death or serious physical harm would result to the injured employee.

(d) A health care provider shall be assessed a \$200 penalty per instance for failure to refund within 30 days of notification, by the agency or carrier, an overpayment made by the carrier as the result of improper billing for services that constitute overutilization, or are in excess of established practice parameters or protocols.

(e) Expert Medical Advisors shall be utilized and consulted with, pursuant to Section 440.13(9), F.S., in the agency's determination of:

1. Provider violations specific to inappropriate utilization, improper billing and non-compliance with established medical treatment protocols and practice parameters; and

2. Appropriate penalties and fines to be assessed pursuant to this subsection and Chapter 440, F.S.

Specific Authority 440.13(7),(11) FS. Law Implemented 440.13 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient Hospital Services

RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective May 1, 2004 and July 1, 2004.

Section VII.A.(8) – Effective May 1, 2004 and ending June 30, 2004, the final total of all Special Medicaid Payments will be the lower of (1) – 199.453 percent of the total Upper Payment Limit for private hospitals and 10.5 percent of the total Upper Payment Limit for non-state public hospitals, as defined in section VII. B, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all Medicaid payments will not exceed the Upper Payment Limit as defined in section VII.B.

Effective July 1, 2004, the final total of all Special Medicaid Payments will be the lower of (1) 40 percent of the total Upper Payment Limit for private hospitals and 85 percent of the total Upper Payment Limit for non-state public hospitals, as defined in section VII. B, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all Medicaid payments will not exceed the Upper Payment Limit as defined in section VII.B .

SUBJECT AREA TO BE ADDRESSED: Special Medicaid Payment methodology for final total Special Medicaid payments.

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., June 3, 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 Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120-B, Tallahassee, Florida 32308, (850)414-2759

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

Board of Cosmetology

RULE TITLE: Citations RULE NO.: 61G5-30.004

PURPOSE AND EFFECT: The Board proposes to review its rule regarding the amount of penalty fees to be paid for citation violations.

SUBJECT AREA TO BE ADDRESSED: Amount of penalty fees to be paid for citation violations and to delete unnecessary language.

SPECIFIC AUTHORITY: 455.224, 477.016 FS.

LAW IMPLEMENTED: 455.224, 477.016 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, Board of Cosmetology, 1940 North Monroe Street Tallahassee, FL 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Continuing Education Requirements for Renewal for Certificateholders and Registrants RULE NO.: 61G6-9.004

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Renewal for Certificateholders and Registrants.

SPECIFIC AUTHORITY: 120.52(15), 120.54(1), 455.2124, 489.507(3) FS.

LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(3),(6), 553.841(10) 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: John Knap, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances RULE NO.: 61H1-36.004

PURPOSE AND EFFECT: The Board will be reviewing this rule to determine if any changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

SPECIFIC AUTHORITY: 455.2273 FS.

LAW IMPLEMENTED: 455.2273, 473.323(1)(m) 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: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: CURRICULUM REQUIREMENTS FOR CLINICAL LABORATORY PERSONNEL TRAINING PROGRAMS RULE NO.: 64B3-3.003

PURPOSE AND EFFECT: The Board proposes to add new language to the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Curriculum Requirements for Clinical Laboratory Personnel Training Programs.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Bypass Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-3.003 Curriculum Requirements for Clinical Laboratory Personnel Training Programs.

- (1) No change.
- (2) All programs not accredited by the National Accrediting Agency for Critical Laboratory Science (NAACLS), the Council on Accreditation of Allied Health Education Programs (CAAHEP), or the Accrediting Bureau of Health Education Schools (ABHES) except for those in the categories of cytology, cytogenetics, ~~or~~ histocompatibility, embryology or andrology shall adopt the curriculum standards defined in the Florida Department of Education Program Standards as designated in Section 229.565, F.S., for the categories in which training occurs as follows:

- (a) through (d) No change.
- (3) through (6) No change.
- (7) For the category of embryology, technician or technologist level programs shall at a minimum include instruction in the following competencies:
 - (a) Maintenance and use of instrumentation utilized in the embryology laboratory.
 - (b) Principles and techniques for isolating specimens.
 - (c) Appropriate culture techniques of specimens including principles of culture techniques.
 - (d) Appropriate handling of specimens.
 - (e) Quality control and quality assurance.

(8) For the category of andrology, technician or technologist level programs shall at a minimum include instruction in the following competencies:

- (a) Maintenance and use of instrumentation utilized in the category of andrology testing.
- (b) Principles and techniques for isolation specimens.
- (c) Appropriate culture techniques of specimens including principles of culture techniques.
- (d) Appropriate handling of specimens.
- (e) Quality control and quality assurance.
- (7) through (8) renumbered (9) through (10) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History—New 5-9-95, Amended 12-4-95, 4-24-96, Formerly 59O-3.003, Amended 3-19-98, 9-20-98, 1-11-99, 10-30-02.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: DISCIPLINARY GUIDELINES; RANGE OF PENALTIES; AGGRAVATING AND MITIGATING CIRCUMSTANCES RULE NO.: 64B9-8.006

PURPOSE AND EFFECT: The Board proposes to update the requirements for professional profiling.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments set forth the disciplinary guidelines for failure to comply with professional profiling and credentialing requirements.

SPECIFIC AUTHORITY: 456.072, 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 464.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

- (1) through (2) No change.
- (3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:
 - (a) through (jj) No change.
 - (kk) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or

fraudulent representations on a profile, credentialing, or initial or renewal licensure application; or failing to verify the profile contents and to correct any factual errors in his or her profile within the 30-day period.

(Section 456.072(1)(v) or 456.041(7), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension to be followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension followed by probation

For failure to verify the profile contents and to correct any factual errors in his or her profile within the 30-day period in Section 456.041(17), F.S., a fine of up to \$100 per day.

(ll) through (zz) No change.

(4) through (6) No change.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History—New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 210-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Disciplinary Proceedings

RULE NO.: 64B9-15.0085

PURPOSE AND EFFECT: The Board proposes to review whether a new rule, similar to Rule 64B9-8.005, F.A.C., is needed to define the actions that constitute unprofessional conduct in the performance of certified nursing assistant duties. SUBJECT AREA TO BE ADDRESSED: The proposed new rule defines certified nursing assistants acts of unprofessional conduct, and the failure to meet minimal standards of care, that are subject to disciplinary proceedings.

SPECIFIC AUTHORITY: 464.202, 464.204 FS.

LAW IMPLEMENTED: 464.204 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.0085 Disciplinary Proceedings.

(1) Unprofessional conduct shall include:

(a) Inaccurate recording or failure to document care and treatment provided to clients.

(b) Soliciting, borrowing, or removing property or money from a client, a client’s family, a client’s residence, or from an employer.

(c) Leaving a patient care assignment without advising licensed nursing personnel, or abandoning a client requiring immediate care without advising licensed nursing personnel.

(d) Acts of negligence either by omission or commission.

(e) Using violent, threatening, abusive or harassing behavior in any work setting.

(f) Engaging in sexual misconduct or boundary violations with a client.

(h) Failure to submit proof of compliance with inservice education requirements under Rule 643B9-15.011, F.A.C.

(2) Failing to meet or departing from minimal standards of acceptable and prevailing certified nursing assistant practice shall include, but not be limited to, the following:

(a) Falsifying or altering of patient records, employment applications or time records.

(b) Violating the confidentiality of information or knowledge concerning a patient.

(c) Failing to review and to comply with the patient’s plan of care.

(d) Failing to follow an employer’s policies and procedures designed to safeguard the client or failing to take action to protect a client whose safety or welfare is at risk from potential or actual safety hazards and practices.

(e) Discrimination on the basis of race, creed, religion, sex, age or national origin, in the rendering of nursing services as it relates to human rights and dignity of the individuals.

(f) Engaging in fraud, misrepresentation, or deceit in taking the certification examination.

(g) Aiding and abetting the practice of registered nursing or practical nursing by any person not licensed as a registered nurse or a licensed practical nurse.

(h) Impersonating another licensed practitioner, or permitting another person to use his or her certificate for the purpose of compensation as a nursing assistant.

(i) Acts of gross negligence, either by omission or commission.

(j) Exercising influence on a patient in such a manner as to exploit the patient for financial gain of the licensee or a third party.

(k) Testing positive for any drugs under Chapter 893, Florida Statutes, on any drug screen when the certified nursing assistant does not have a prescription and legitimate medical reason for using such drug.

(l) Violation of a Board order entered in a proceeding against the certified nursing assistant.

(m) Providing false or incorrect information to the employer regarding the status of the license.

(n) Practicing beyond the scope of the certified nursing assistant's educational preparation or experience.

(o) Failing to report signs, symptoms, and changes in client conditions to the appropriate individual in an ongoing and timely manner.

Specific Authority 464.202, 464.204 FS. Law Implemented 464.204 FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE:

RULE NO.:

Transmission of Starter Dose Prescriptions for Patients in Class I Institutional or Modified II B Facilities

64B16-28.503

PURPOSE AND EFFECT: The Board proposes to review a new rule to address the transmission of starter dose prescriptions. The Board is reviewing all the rules in Chapter 64B16, F.A.C., and this new rule may be renumbered accordingly.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule sets forth the requirements for the transmission of starter dose prescriptions for patients in Class I Institutional or Modified II B facilities.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.019, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.503 Transmission of Starter Dose Prescriptions for Patients in Class I Institutional or Modified II B Facilities.

(1) As used herein:

(a) The term "vendor pharmacy" means a duly licensed community pharmacy or special closed system pharmacy which has contracted to dispense prescription drugs to patients in a facility holding a Class I Institutional Permit or Modified II B permit.

(b) The term "starter dose community pharmacy" means a community pharmacy which has entered into a written agreement pursuant to the provisions of this rule with a vendor pharmacy to dispense a "starter dose prescription" for a patient at a facility holding a Class I Institutional Permit or Modified II B Permit.

(c) The term "starter dose prescription" means a prescription transmitted by a vendor pharmacy which is intended to allow a patient at a facility holding a Class I Institutional or Modified II B Permit to begin drug therapy pending the receipt at the facility of the full dosage prescribed from the vendor pharmacy for that facility.

(2) A vendor pharmacy may transmit a starter dose prescription to a starter dose community pharmacy under the following conditions:

(a) The vendor pharmacy has entered into a written agreement signed by each licensed health care practitioner for whom the vendor pharmacy shall act as an agent. The agreement shall provide that the vendor pharmacy is authorized, as agent for the prescribing health care practitioner, to transmit a starter dose prescription to a starter dose community pharmacy in order to initiate drug therapy prior to the dispensing and delivery of the remaining quantity of the same prescription drug which the licensed health care practitioner has prescribed for that same patient. Any written agreements executed pursuant to this subsection by health care practitioners who provide care to patients of the facility shall be referenced in the policy and procedure manual of the Class I Institutional or Modified II B facility, and copies of said agreements shall be maintained at the facility and made available for inspection by agents of the Department of Health and the Board of Pharmacy.

(b) The vendor pharmacy has entered into a written agreement with the starter dose community pharmacy. The agreement shall identify each facility being served by the vendor pharmacy for which the starter dose pharmacy may be called upon to receive and dispense a starter dose prescription as well as each health care provider who has authorized the

vendor pharmacy to act as agent for the purpose of transmitting a starter dose prescription. In addition, the agreement shall assign to the vendor pharmacy the responsibility for providing prospective drug use review as defined in Rule 64B16-27.810, F.A.C., and patient counseling as defined in Rule 64B16-27.820, F.A.C. The written agreement shall be periodically updated as necessary to reflect additions or deletions to the list of facilities and authorizing health care providers.

(c) Both the vendor pharmacy and the starter dose community pharmacy shall keep readily retrievable records of each starter dose prescription transmitted by the vendor pharmacy which was dispensed by the starter dose community pharmacy.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.018, 465.019, 465.022 FS. History—New _____

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Family-Related Medicaid Income and Resource Criteria

RULE NO.: 65A-1.707

PURPOSE AND EFFECT: The proposed rule amendment will correctly align the 1931 family-related Medicaid income and resource criteria as defined in Rule 65A-1.707, F.A.C., with the 1931 family-related Medicaid coverage group as defined in Rule 65A-1.703, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will align budgeting methodology for the 1931 Medicaid eligibility group with the 1931 Medicaid filing unit policy as specified in Rule 65A-1.703, F.A.C.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.918, 409.919 FS.

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

TIME AND DATE: 1:00 p.m. – 2:00 p.m., June 1, 2004

PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robi Olmstead, Government Operations Consultant II, 1317 Winewood Boulevard, Building 3, Room 449, Tallahassee, FL 32399-0700, (850)414-2908

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Registration	69I-20.001
Notarized Sworn Statement of the Claimant	69I-20.0011
Disciplinary Guidelines	69I-20.0012
Procedures for Filing Claim	69I-20.0021
Proof of Ownership and Entitlement to Unclaimed Property	69I-20.0022
Acquisition of Unclaimed Property	69I-20.0023
Definitions	69I-20.030
Remittance of Safe Deposit Box Contents and Reimbursement of Expenses	69I-20.036

PURPOSE AND EFFECT: The purpose of the rule development is to update sections of Chapter 69I-20, F.A.C., Unclaimed Property, and to do the following:

Rule 69I-20.001, F.A.C.: Sections 717.117(8) and 717.1400, Florida Statutes, require that, in order to file claims as a claimant’s representative, acquire ownership or entitlement to unclaimed property, and receive a distribution of fees and costs from the department, Florida private investigators, Florida certified public accountants and Florida attorneys must be registered with the Department. The purpose and effect of the proposed rule is create a registration form and a rule to incorporate the form by reference.

Rule 69I-20.0011, F.A.C.: The purpose and effect of the proposed rule amendment is to create the notarized sworn statement form of the claimant.

Rule 69I-20.0012, F.A.C.: The purpose and effect of the proposed rule amendment is to establish disciplinary guidelines.

Rule 69I-20.0021, F.A.C.: The purpose and effect of the proposed rule amendment is to incorporate by reference into the Department’s rules the notices that are sent to claimants and claimants’ representatives when claims are incomplete and a disclosure form.

Rule 69I-20.0022, F.A.C.: The purpose and effect of the proposed rule amendment is to create or revise claim forms to be incorporated by reference into the Department’s rules and to specify what must be filed for claims on behalf of active or dissolved corporations.

Rule 69I-20.0023, F.A.C.: The purpose and effect of the proposed rule amendment is to promulgate a rule regarding the acquisition of unclaimed property and to incorporate a disclosure form by reference into the Department’s rules.

Rule 69I-20.030, F.A.C.: The purpose and effect of the proposed rule amendment is to amend the definitions rule.

Rule 69I-20.036, F.A.C.: The purpose and effect of the proposed rule amendment is to incorporate the amendments to Section 717.117(5), Florida Statutes, regarding the reporting and remitting of safe deposit box contents, into the rule.

SUBJECT AREA TO BE ADDRESSED: Rule 69I-20.001, F.A.C.: Registration of Florida private investigators, Florida certified public accountants and Florida attorneys pursuant to Sections 717.117(8) and 717.1400, F.S.

Rule 69I-20.0011, F.A.C.: Notarized Sworn Statement of the Claimant.

Rule 69I-20.0013, F.A.C.: Disciplinary guidelines.

Rule 69I-20.0021, F.A.C.: Unclaimed property claims processing.

Rule 69I-20.0022, F.A.C.: Filing claims for unclaimed property.

Rule 69I-20.0023, F.A.C.: Acquisition of Unclaimed Property.

Rule 69I-20.030, F.A.C.: Definitions.

Rule 69I-20.036, F.A.C.: Reporting and remitting of safe deposit box contents.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 717.117, 717.119, 717.124, 717.12404, 717.126, 717.132, 717.1322, 717.134, 717.1341, 717.135, 717.1351 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, June 2, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)410-9461

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Filing of Statements	69O-143.003
Custody Agreement	69O-143.042
Acquisition of Controlling Stock	69O-143.056
Redomestication Procedure	69O-143.161
Forms	69O-143.070

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements. SPECIFIC AUTHORITY: 624.308, 624.308(1), 625.82, 628.461(13), 628.511(4), 628.535 FS.

LAW IMPLEMENTED: 624.307(1),(2),(3),(5), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.413, 624.424(6), 624.501, 624.501(1)(a), 624.5091, 625.55, 625.75, 628.051, 628.061, 628.46, 628.511, 628.520, 628.801 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Steve Szypula, Bureau of Property and Casualty Insurer Solvency, Office of Insurance Regulation, e-mail: szypulas@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Purpose	69O-144.001
Approval Procedures	69O-144.002
Credit for Reinsurance	69O-144.005

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements. SPECIFIC AUTHORITY: 624.308, 624.610(14) FS.

LAW IMPLEMENTED: 624.307(1),(2),(3),(5), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(c), 624.5091, 624.610, 628.051, 628.061, 628.801, 629.081 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Norris, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: norrisb@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Standard Medicare Supplement Benefit Plans	690-156.008
Required Disclosure Provisions	690-156.014
Reporting of Multiple Policies	690-156.018
Medicare Select	690-156.030

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.

SPECIFIC AUTHORITY: 624.308, 627.674(2) FS.

LAW IMPLEMENTED: 624.307(1), 627.671-.675, 627.6737, 627.674 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Scope	690-191.021
Definitions for the Purpose of These Rules	690-191.024
Application for Certificate of Authority	690-191.027
Standards for Finger Print Cards for New Applicants and Acquisition Applications	690-191.028
Actuarial Memorandum and Definitions	690-191.055
Records Retention	690-191.074
Annual and Quarterly Reports	690-191.075
Subscriber Grievance Procedure	690-191.078
Fees	690-191.085
Change of Ownership	690-191.097
Prescribed Forms	690-191.107

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.

SPECIFIC AUTHORITY: 624.308(1), 641.31, 641.36 FS.

LAW IMPLEMENTED: 120.60(2), 627.410(6), (7), 627.413(4), 627.4145, 627.6699(12)(d)4., 627.6735, 627.682, 627.9407(2), 628.4615, 641.19, 641.19(13)(d), 641.21, 641.21(1), 641.21(1)(d), 641.22, 641.22(2),(9), 641.26(1),(2), 641.27, 641.29, 641.29(1), 641.31, 641.31(2),(3),(5), 641.36 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Bachman, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: bachmanm@dfs.state.fl.us.

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Purpose and Scope	690-192.001
Forms Incorporated by Reference	690-192.058

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.

SPECIFIC AUTHORITY: 624.308(1), 624.4431 FS.

LAW IMPLEMENTED: 624.307(1), 624.436, 624.439, 624.442, 628.4615 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Bachman, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: bachmanm@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Purpose and Scope	690-193.001
Required Financial Reports	690-193.005
Background Information	690-193.060
Mediation of Resident/Provider Disputes	690-193.062
Arbitration of Resident/Provider Disputes	690-193.063
Forms Incorporated by Reference	690-193.065

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.

SPECIFIC AUTHORITY: 624.308(1), 651.013, 651.015, 651.015(1),(3) FS.

LAW IMPLEMENTED: 624.307(1), 651.021, 651.022, 651.022(2)(c), 651.023, 651.0235, 651.024, 651.026, 651.0261, 651.033, 651.035, 651.106, 651.107, 651.108, 651.123 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bruce Lulofs, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: lulofsb@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Forms Incorporated by Reference

RULE NO.: 690-194.030

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements. SPECIFIC AUTHORITY: 641.403 FS.

LAW IMPLEMENTED: 641.402, 641.405, 641.41, 641.416 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Bachman, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: bachmanm@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:

RULE NOS.:

Annual Reports 690-196.007

Forms Incorporated by Reference 690-196.015

Disclosure Requirements for Insurance	
Coverages Financed with Personal	
Injury Protection	690-196.021

Statement of Account; Receipts 690-196.025

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements. SPECIFIC AUTHORITY: 624.308, 624.308(1), 627.8405 FS.

LAW IMPLEMENTED: 624.307(1), 624.321(1)(a), 626.9541(1)(a), 627.734, 627.828, 627.829, 627.836, 627.8405, 627.845, 628.4615 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Purpose	690-198.001
Scope	690-198.002
Financial Requirements Regarding the Funded, Unearned Premium Reserve Account	690-198.005
License Continuance	690-198.010
Application For and Issuance of License	690-198.011
Annual Statement and Quarterly Reports	690-198.012
Forms Incorporated by Reference	690-198.015

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.
SPECIFIC AUTHORITY: 634.402 FS.

LAW IMPLEMENTED: 634 Part III, 634.405, 634.406(1), (3), (4), 634.407, 634.408, 634.4085, 634.409, 634.413, 634.415, 634.4165 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Purpose and Scope	690-199.001
General Eligibility Requirements	690-199.008
Annual Statement and Quarterly Reports	690-199.012
Forms Incorporated by Reference	690-199.015

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.
SPECIFIC AUTHORITY: 634.302, 634.308(1)(a) FS.

LAW IMPLEMENTED: 634, Part II, 634.304, 634.306, 624.307(1), 634.3073, 634.3077, 634.313, 634.315 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Purpose and Scope	690-200.001
Definitions	690-200.002
Licensing of Companies that Administer and Market Service Agreements	690-200.003
Qualification to Obtain and Hold a License	690-200.004
Contractual Liability Insurers	690-200.006
Disapproval of Forms	690-200.011
Rate Filings	690-200.013
Exemption from Financial Examination	690-200.014
Forms Incorporated by Reference	690-200.015

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.
 SPECIFIC AUTHORITY: 634.021 FS.

LAW IMPLEMENTED: 624.307(1), 634 Part I, 634.011, 634.021, 634.031, 634.041, 634.061, 634.1213, 634.1216, 634.161, 634.252 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Purpose and Scope	690-201.001
Annual Statement and Quarterly Reports	690-201.012
Forms Incorporated by Reference	690-201.015

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.
 SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 642, 642.021, 642.023, 642.032 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Scope	690-203.010
Definitions for the Purpose of These Rules	690-203.013
Application for Certificate of Authority	690-203.020
Standards for Fingerprint Cards for New Applicants and Acquisition Applications	690-203.021
Filing, Approval of Subscriber Contract and Related Forms	690-203.042
Rates	690-203.045
Reinsurance (Excess Loss Insurance)	690-203.065
Annual and Quarterly Reports	690-203.070
Prescribed Forms	690-203.100

PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.

SUBJECT AREA TO BE ADDRESSED: Forms requirements.
 SPECIFIC AUTHORITY: 636.067 FS.

LAW IMPLEMENTED: 624.321(1)(a), 626.058, 636, 636.003, 636.005, 636.007, 636.008, 636.009, 636.009(1)(f), 636.012, 636.015, 636.016, 636.017, 636.018, 636.043 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., June 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Bachman, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: bachmanm@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Forms Incorporated by Reference
 PURPOSE AND EFFECT: To adopt forms for viatical settlement agreements.
 SUBJECT AREA TO BE ADDRESSED: Forms requirements.
 SPECIFIC AUTHORITY: 624.308(1), 626.9913(2) FS.

RULE NO.: 69O-204.100

LAW IMPLEMENTED: 624.307(1), 626.9913 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., June 9, 2004
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ted Straughn, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: straughtnt@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Forms Incorporated by Reference
 PURPOSE AND EFFECT: To adopt updated forms, and update form availability and filing requirements.
 SUBJECT AREA TO BE ADDRESSED: Forms requirements.
 SPECIFIC AUTHORITY: 624.308(1) FS.

RULE NO.: 69O-207.002

LAW IMPLEMENTED: 624.307(1) 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., June 9, 2004
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

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

**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Comprehensive Management Information System
 PURPOSE AND EFFECT: The purpose of this rule amendment is to revise existing requirements of the statewide comprehensive management information system in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

RULE NO.: 6A-1.0014

SUMMARY: The rule incorporates revisions to selected data elements, procedures and timelines for state reporting, local recordkeeping, and statewide records transfer which are to be implemented by each school districts and the Department within the automated statewide comprehensive management information system. The rule contains the security, privacy and retention procedures to be used by the Department for school district, student, staff, and finance records collected and maintained at the state level.

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 the notice.

SPECIFIC AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1002.22(3)(d)3., 1008.385(2), 1010.305(3), 1001.23 FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004
 PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lavan Dukes, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)245-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, ~~2003 2002~~" "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, ~~2003 2002~~," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy, and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2), FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-4-96, 5-19-97, 10-13-98, 10-17-00, 5-19-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lavan Dukes, Information Accountability, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Education Information and Accountability, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2005

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: April 9, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion
 RULE NO.: 6A-1.094221

PURPOSE AND EFFECT: The purpose of this rule is to provide the acceptable level of performance on the approved alternative standardized reading assessment and the criteria for the use of a student portfolio for good cause exemptions from

retention for third grade students who scored Level 1 on the reading portion of the Florida Comprehensive Assessment Test (FCAT).

SUMMARY: Section 1008.25(6)(b)3., Florida Statutes, requires the State Board of Education to approve the alternative assessment used for the good cause exemption from retention in third grade. This rule was amended to also include the criteria for use of a student portfolio as a good cause exemption approved by the State Board of Education on January 21, 2003.

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 the notice.

SPECIFIC AUTHORITY: 1008.25(8)(b) FS.

LAW IMPLEMENTED: 1008.25(6)(b)3. FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Just Read, Florida!, 325 West Gaines Street, Tallahassee, Florida 32399-0400; (850)245-0503

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.094221 Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion.

(1) Pursuant to Section 1008.25(6), Florida Statutes, relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the grade three reading Florida Comprehensive Assessment Test (FCAT) may be promoted to grade four if the student demonstrates:

(a) An acceptable level of performance on the Norm Referenced Test (NRT) portion of the FCAT or the SAT-9 alternative assessment; or

(b) Reading on grade level as evidenced through mastery of the Sunshine State Standards in reading equal to at least Level 2 performance on the grade three reading FCAT.

(2) The acceptable levels of performance on the alternative assessments for grade three for the ~~2003-2004 2002-2003~~ school year are as follows:

(a) To promote a student using the grade three reading NRT portion of the FCAT as an alternative assessment good cause exemption, the grade three student scoring at Level 1 Reading FCAT must score at or above the 51st percentile on the grade three reading NRT portion of the FCAT.

(b) To promote a student using the SAT-9 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 Reading FCAT must score at or above the 51st percentile on a parallel form of the SAT-9. The SAT-9 may only be administered one (1) time.

~~(c)~~(3) The earliest the alternative assessment may be administered for student promotion purposes is following the receipt of the grade three student reading FCAT scores or during the last two (2) weeks of school, whichever occurs first.

(3)(a) To promote a student using a student portfolio as a good cause exemption there must be evidence that demonstrates the student’s mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the grade three reading FCAT. Such evidence shall be an organized collection of the student’s mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the grade three reading FCAT.

(b) The student portfolio must meet the following criteria:

1. Be selected by the student’s teacher.
2. Be an accurate picture of the student’s ability and only include student work that has been independently produced in the classroom.
3. Include evidence that the benchmarks assessed by the grade 3 reading FCAT have been met. Evidence is to include multiple choice items and passages that are approximately sixty (60) percent literary text and forty (40) percent information text, and that are between 100-700 words with an average of 350 words. Such evidence could include chapter or unit tests from the district’s/school’s adopted core reading curriculum that are aligned with the Sunshine State Standards or teacher-prepared assessments.
4. Be an organized collection of evidence of the student’s mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the grade 3 reading FCAT. For each benchmark, there must be at least five (5) examples of mastery as demonstrated by a grade of “C” or above, and
5. Be signed by the teacher and the principal as an accurate assessment of the required reading skills.

Specific Authority 1008.25(8)(b) FS. Law Implemented 1008.25(6)(b)3. FS. History–New 5-19-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Laura Openshaw, Director, Just Read, Florida!

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Winn, Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2004

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Calendar	6A-14.004
Meetings of Boards of Trustees	6A-14.0243
Powers and Duties of Boards of Trustees	6A-14.0247
Duties and Responsibilities of the President	6A-14.0262
Responsibilities of Community Colleges for Vocational Education	6A-14.0341
Drug Abuse Education	6A-14.039
Annual Contracted under Certain Conditions	6A-14.0412
Accreditation	6A-14.063
Expenditures	6A-14.073
Travel	6A-14.0732
Petty Cash Fund	6A-14.0735
Bank Depository	6A-14.0751
Depository Transactions	6A-14.0752

Use of Auxiliary Enterprise Funds and Undesignated Gifts	6A-14.0771
Auxiliary Funds and Funds Received in Trust	6A-14.0772
Delinquent Accounts	6A-14.078

PURPOSE AND EFFECT: These repeals are necessary due to the statutory elimination of the State Board of Community Colleges, changes in governance and subsequent transfers of powers and duties to the State Board of Education.

SUMMARY: These rules are repealed to reflect changes made in the Florida Statutes.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1), 240.325, 240.311, 240.313, 240.319, 240.335, 240.363, 1001.02(1)(9) FS.

LAW IMPLEMENTED: 229.053, 240.311, 240.313, 240.319 FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education, 325 West Gaines Street, Rm. 1324, Tallahassee, Florida 32399-0400, (850)245-0448

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.004 Calendar.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 229.053(2)(c), 240.311, 240.325(4) FS. History—Formerly 6A-8.78, Repromulgated 12-19-74, Amended 4-8-75, 12-26-77, 7-2-79, 2-4-81, 10-27-81, 1-6-83, 7-7-83, 7-26-84, Formerly 6A-14.04, Repealed.

6A-14.0243 Meetings of Boards of Trustees.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.311, 240.313 FS. History—Formerly 6A-8.062, Repromulgated 12-19-74, Amended 12-26-77, 7-26-84, Formerly 6A-14.243, Repealed.

6A-14.0247 Powers and Duties of Boards of Trustees.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 113.05, 116.34, 240.311, 240.319, 240.339, 240.345 FS. History—Formerly 6A-8.066, Repromulgated 12-19-74, Amended 10-28-75, 7-6-76, 2-14-77, 12-26-77, 9-26-78, 4-10-79, 10-23-79, 2-4-81, 4-27-82, 7-26-84, Formerly 6A-14.247, Amended 8-13-96, Repealed.

6A-14.0262 Duties and Responsibilities of the President.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.313, 240.319, 240.335 FS. History—Formerly 6A-8.771, Repromulgated 12-19-74, Amended 12-9-75, 2-14-77, 12-26-77, 7-16-79, 4-27-82, 7-26-84, Formerly 6A-14.262, Amended 6-1-86, Repealed.

6A-14.0341 Responsibilities of Community Colleges for Vocational Education.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 233.068, 240.301, 240.319, 240.355 FS. History—Formerly 6A-8.56, Repromulgated 12-19-74, Amended 12-26-77, 8-14-84, Formerly 6A-14.341, Repealed.

6A-14.039 Drug Abuse Education.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 233.067, 240.325 FS. History—Formerly 6A-8.54, Repromulgated 12-19-74, Amended 1-17-85, Formerly 6A-14.39, Repealed.

6A-14.0412 Annual Contracts under Certain Conditions.

Specific Authority 229.053(1) 1001.02(1), 240.325 1001.02(9), 240.339 1012.83, 240.335 1012.855 F.S. Law Implemented 240.339 1012.83 F.S. History—Formerly 6A-8.34, Repromulgated 12-19-74, Formerly 6A-14.412, Repealed.

6A-14.063 Accreditation.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.325, 240.349 FS. History—New 10-28-75, Amended 4-7-85, Formerly 6A-14.63, Repealed.

6A-14.073 Expenditures.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.363 FS. History—Formerly 6A-8.12, Repromulgated 12-19-74, Amended 12-26-77, 5-14-85, Formerly 6A-14.73, Amended 9-1-98, Repealed.

6A-14.0732 Travel.

Specific Authority 229.053(1) 1001.02(1), 240.325 1001.02(9) FS. Law Implemented 112.061, 240.311(3)(n) 1001.64(18) FS. History—Formerly 6A-8.71, Repromulgated 12-19-74, Amended 8-29-85, Formerly 6A-14.732, Repealed.

6A-14.0735 Petty Cash Fund.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.363 FS. History—Formerly 6A-8.16, Repromulgated 12-19-74, Amended 10-28-75, 5-14-85, Formerly 6A-14.735, Amended 12-21-87, Repealed.

6A-14.0751 Bank Depository.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 136.01, 240.363, 658.60 FS. History—Formerly 6A-8.13, Repromulgated 12-19-74, Amended 10-23-79, 4-27-82, 5-14-85, Formerly 6A-14.751, Repealed.

6A-14.0752 Depository Transactions.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 215.85, 240.363 FS. History—Formerly 6A-8.132, Repromulgated 12-19-74, Amended 7-8-80, 12-7-82, 5-14-85, Formerly 6A-14.752, Repealed.

6A-14.0771 Use of Auxiliary Enterprise Funds and Undesignated Gifts.

Specific Authority 229.053(1) 1001.02(1), 240.325 1001.02(9), 1010.08 FS. Law Implemented 240.377 1010.08 FS. History—Formerly 6A-8.181, Repromulgated 12-19-74, Amended 11-18-84, Formerly 6A-14.771, Repealed.

6A-14.0772 Auxiliary Funds and Funds Received in Trust.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 229.053, 240.319, 240.325(7), 240.363 FS. History—Formerly 6A-8.182, Repromulgated 12-19-74, Amended 6-27-85, Formerly 6A-14.772, Repealed.

6A-14.078 Delinquent Accounts.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.365 FS. History—Formerly 6A-8.191, Repromulgated 12-19-74, Amended 6-27-85, Formerly 6A-14.78, Amended 5-16-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edward L. Cisek, Vice-Chancellor for Financial Policy,
Department of Education
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: David Armstrong, Chancellor,
Community Colleges, Department of Education
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 30, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Campus, Center, Special Purpose Center and Instructional Site Designations	6A-14.0061
Composition of Boards of Trustees	6A-14.024
Employment of a President	6A-14.026
Staff and Program Development	6A-14.029
Instruction and Awards in Community Colleges	6A-14.030
Withdrawal and Forgiveness	6A-14.0301
Personnel Contracts	6A-14.041
Issuance of Continuing Contracts	6A-14.0411
Personnel Records	6A-14.047
Instructional Personnel – Availability to Students	6A-14.0491
Student Fees	6A-14.054
Student Fee Refunds	6A-14.0541
Student Activities	6A-14.057
Accountability Standards	6A-14.060
Community College Budgets	6A-14.0716

Financial Records and Reports	6A-14.072
Procurement Requirements	6A-14.0734
Receipt, Deposit, and Withdrawal of Funds	6A-14.075
FTE Calculation for the Community College Program Fund	6A-14.076
Investment of Funds	6A-14.0765
Auxiliary Services and Enterprises and Undesignated Gifts	6A-14.077

PURPOSE AND EFFECT: The purpose of the amendments is to ensure consistency with the governing Florida Statutes. The amendments also reflect the abolishment of the State Board of Community Colleges and the establishment of the State Board of Education as the governing entity. The purpose is consistency in law and rule.

SUMMARY: These rules are amended to reflect changes made in the Florida Statutes.

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 the notice.

SPECIFIC AUTHORITY: 1001.02(1)(9), 1001.03, 1001.64, 1010.01, 1010.02, 1001.64, 1001.65, 1012.83 FS.

LAW IMPLEMENTED: 1001.02(1)(9), 1001.03, 1001.64, 1010.01, 1010.02, 1012.83 FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education, 325 West Gaines Street, Rm. 1324, Tallahassee, Florida 32399-0400, (850)245-0448

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.0061 Campus, Center, Special Purpose Center and Instructional Site Designations.

The Division of Community Colleges shall receive proposals from local boards of trustees to establish campuses, centers, and special purpose centers, and shall recommend for or against the establishment of the requested site to the State Board of Education. The State Board of Education shall approve or disapprove the proposal for a new site. The following shall apply.

(1) through (6) No change.

(7) Exceptions to (5) and (6) herein are authorized when justified in the judgment of the State Board of Education ~~State Board of Community Colleges~~ due to the nature of the services to be provided, the number and types of students to be served, the population to be served, transportation problems, the

availability of acceptable sites and facilities, urban density, energy conservation, or population shifts. Urban density refers to sites where no additional land is available to expand existing campuses and where the urban build-up limits any campus expansion.

(8) The Division State Board of Community Colleges may use the services of the office of Educational Facilities and of others to evaluate proposals and develop recommendations.

Specific Authority ~~1001.02(1)(7)(e), 1001.64(b), 1013.36 240.311(2)(3)(j) FS.~~ Law Implemented ~~1013.36, 1001.64(4)(b), 1001.64(26)(37), 1013.40 235-19, 240.311(3)(g)(l)(j), 240.319(3)(e)(f), 240.327 FS.~~ History–New 2-27-84, Formerly 6H-1.40, Amended 6-22-87, Formerly 6H-1.040, Amended _____

6A-14.024 Composition of Boards of Trustees.

(1) The number of trustees on community college boards of trustees shall be:

(a) One (1) county district boards – five (5) or seven (7) trustees as decided by the board.

(b) Two (2) county district boards – five (5) trustees from the county of location and four (4) from the cooperating county. However, if the county of location has more than five (5) times the population of the cooperating county as determined by the U. S. Census, there shall be three trustees from the cooperating county.

(c) Three (3) and four (4) county district boards – three (3) trustees from the county of location and two (2) from each cooperating County.

(d) Five (5) county district boards – three (3) trustees from the county of location, two (2) from each of the two (2) more populous cooperating counties, and one from each of the two (2) less populous cooperating counties.

(e) Six (6) county district boards – three (3) trustees from the county of location, two (2) from the most populous cooperating county, and one (1) from each of the remaining counties.

(2) Population shall be determined by the most recent population estimates published by the Legislative Office of Economic and Demographic Research.

(3) Notwithstanding (1), the number of trustees for the boards of trustees of the following community colleges shall be:

(a) South Florida Community College – four trustees from Highlands County, two trustees from Hardee County, and two from DeSoto County.

(b) Gulf Coast Community College – five trustees from Bay County, three trustees from Gulf County, and one trustee from Franklin County.

(c) Edison Community College – three trustees from Lee County, two trustees from Charlotte County, two trustees from Collier County, one trustee from Glades County, and one trustee from Hendry County.

~~(4)(2)~~ Trustees shall be appointed for terms of four years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Residential address shall determine a trustee's county of origin.

~~(5)(3)~~ Changes in board composition may be caused by population changes and by changes in the county composition of the district. In such cases, In the event of a violation of this rule, adjustments to comply with (1) herein shall be made immediately, except that the number of trustees from a county shall not be reduced until terms expire or resignations are tendered ~~which may delay the adjustments under (1) herein. In the case of a newly added county, the governor may appoint an adviser from the county with the approval of four (4) members of the State Board of Education. The adviser shall be recognized by the board of trustees as the official adviser to the board from the newly appointed county until the appointment of a trustee from the county. The adviser shall receive reimbursement for expenses on the same basis as the trustees.~~

~~(6)(4)~~ When changes in board composition and numbers are required by law or by this rule subsection (3) above, the Governor shall stagger the length of terms of the board positions next in line for appointment in such a manner as to provide for future position expiration dates as equal in number as possible in each succeeding year for each county. In such cases, where eight or more trustee positions will exist in any college, then at least two terms will expire each year. Where less than eight trustee positions will exist, then at least one but not more than two trustee positions will expire each year.

~~(5)~~ Exceptions to (1) herein may be provided by law.

(7) Community colleges shall annually report to the Chancellor the composition of their boards of directors, including the name, residential address (with county), e-mail address, home and business telephone numbers, and end of term.

Specific Authority 1001.02(1), 1001.02(9), 1001.61(1) 229.053(1), 240.325, 240.313 FS. Law Implemented 1001.61(1), 240.313 FS. Laws 1984 Ch. 84-336, 44, History-Formerly 6A-8.06, Repromulgated 12-19-74, Amended 12-26-77, 7-26-84, 11-5-85, Formerly 6A-14.24, Amended 12-6-90, _____.

6A-14.026 Employment of a President.

Boards of trustees shall notify the State Board of Education Community Colleges of the appointment, suspension, or dismissal of presidents immediately upon such action.

~~(1)~~ Selection. Boards of trustees, in appointing presidents, shall select persons qualified for the position and competent to perform the duties and responsibilities of the position. ~~The minimum basic qualification is an earned doctorate or the equivalent. If a board chooses to recognize an equivalency, it shall specify the education, experience, and other elements deemed to constitute equivalency, and notify the State Board of Community Colleges of them. The boards shall seek and interview persons with the highest qualifications for educational leadership. The boards shall consider particularly~~

~~the candidates' education, experience in community colleges and related fields, understanding of community college programs, and demonstrated leadership ability.~~

~~(2)~~ Contract. The president shall be provided a contract. The contract shall be for at least one year, but no more than four years.

~~(3)~~ Evaluation. At the time the contract is issued, the board of trustees shall inform the president of duties and responsibilities, of the procedure by which performance shall be evaluated, and of the criteria for evaluation. ~~Evaluations shall cover each duty and responsibility, whether assigned by the board of trustees or specified in law or rule. The board shall evaluate the president annually. After completion of the evaluation and acceptance by the board of trustees, the notice of findings shall be submitted to the Chancellor of the Division of Community Colleges for review. The evaluation and the findings shall be in writing, and shall be submitted, immediately after acceptance by the board of trustees, to the State Board of Community Colleges for review.~~

~~(4)~~ Suspension. The responsibility for suspending and dismissing the president remains with the board of trustees, except that the Commissioner, with State Board of Education approval, may suspend a president for cause; in which case, the board of trustees shall meet immediately to review the evidence establishing cause and to continue the suspension, or dismiss or reinstate the president. The board of trustees shall report immediately its action and rationale to the State Board of Education.

~~(5)~~ When the position of president becomes vacant, the board of trustees may appoint an acting president. The term of the appointment shall be for no more than six (6) months. There may be one reappointment for a like term.

Specific Authority 1001.02(1), 1001.02(9)(a), 1001.02(7)(b), 1001.64(19) 229.053(1), 240.325(1), 240.311, 240.319(4)(a) FS. Law Implemented 1001.10, 1001.64(18)(19), 1001.61, 1001.64 229.512, 240.311(6), 240.313, 240.319 FS. History-Formerly 6A-8.30, Repromulgated 12-19-74, Amended 10-28-75, 12-26-77, 7-26-84, Formerly 6A-14.26, Amended _____.

6A-14.029 Staff and Program Development.

(1) Each community college shall adopt policies on staff and program development. ~~Effective July 1, 1996, based on its policies, each community college shall allocate from its resources available for current operations during the fiscal year, an amount not less than two percent (2%) of the previous year's allocation from the state community college program fund to fund staff and program development activities. The allocation of each community college for staff and program development shall be spent according to a plan developed by the college and updated annually. Each community college shall identify within its annual operating budget funding to support staff and program development activities as defined herein, as well as activities to achieve its goals for implementation of its 1985-88 Educational Equity Act plan and other related EA/EO activities. In the event of appropriations shortfall during the fiscal year, the board of~~

~~trustees may approve a recommendation of the president to reduce the two percent minimum and shall provide an explanation for this action to the State Board of Community Colleges.~~

(2) Staff and program development plans and activities shall follow the definitions herein.

(a) Staff development is the improvement of staff performance through activities which update or upgrade competence specified for present or planned positions. Staff includes all college employees.

(b) Program development is the evaluation and improvement of existing programs, including the design of evaluation instruments to establish bases for improvements, as well as the designing of new programs. ~~It is program initiation or improvement rather than maintenance or expansion. Development may be in any of the community college functions: instruction, organized research, public service, academic support, student support, institutional support, physical plant operations and maintenance, student financial assistance. Program development includes researching, planning, designing, and evaluating; salary payment; and purchasing of equipment for program initiation.~~

(3) ~~Each community college shall submit a report to the State Board of Community Colleges on funds expended for staff and program development pursuant to their annual plan. The report shall be due on a date and in a format approved by the executive director. The report shall include information relating to: (1) the number of participants and activities in staff development; (2) a description of programs improved and initiated; and (3) an evaluation of the effectiveness of staff and program development expenditures relative to college policies.~~

Specific Authority 1001.02(1), 1001.02(9)(d), 1001.64(18) 229.053(1), 240.325 FS. Law Implemented 1001.02(1), 1001.64(2), 1010.01, 1010.02, 1011.82(1) 240.311(2), 240.319(1), 240.349(1), 240.363 FS. History—Formerly 6A-8.761, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 7-6-82, 3-8-83, 8-10-83, 7-26-84, 8-29-85, Formerly 6A-14.29, Amended 8-19-86, 9-16-87, 1-8-91, 7-30-91, 10-6-92, 9-5-93, 7-19-94, 8-28-95, _____.

6A-14.030 Instruction and Awards in Community Colleges.

Community colleges are authorized to provide instruction and to confer degrees, certificates, and diplomas only as prescribed herein. Any degree program, certificate, or diploma program offered at a community college shall be offered at the established standard credit hour length. Revisions to the standard credit hour lengths and the lengths of new programs added to the Statewide Program Inventory list must be approved by the Division of Community Colleges, State Board of Community Colleges.

(1) Associate in arts degree. Each community college shall provide programs of instruction consisting of courses offered to freshmen and sophomores in baccalaureate programs. The courses shall be classified in the Community College Management Information System as advanced and professional courses. Satisfactory completion of courses within

the programs shall be recognized by the award of units of measure called college credit. The associate in arts degree shall be awarded upon satisfactory completion of a planned program of sixty (60) college credits, unless otherwise provided by law, after demonstration of the attainment of predetermined and specified performance requirements. Courses not accepted in the State University System shall not be included in the sixty (60) credits required for the degree.

(2) Associate in science degree. Each community college is authorized to provide programs of instruction consisting of college level courses to prepare for entry into employment. The courses shall be based in theory and of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. The programs shall not include courses classified as postsecondary adult vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. Effective with the Fall Term 2000, the associate in science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. Courses not accepted in the State University System shall not be included in the general education core required for the degree. Associate in science degrees that articulate with baccalaureate degrees under the provisions of paragraph 6A-10.024(6)(c), F.A.C., shall meet the specific provisions contained therein. The standard credit hour length of all associate in science degree programs shall be kept according to the Department of Education publication "Florida Community College System Program Length Document: 2003" incorporated herein by reference. Copies may be obtained through the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400. The standard credit hour length is:

Program Name	Required Standard
Business, Marketing and Hospitality Discipline	
Accounting Technology	64
Customer Service Technology	62
Business Administration & Management	64
Financial Services	64
Fashion Marketing Management	63
Marketing Management	64
Travel & Tourism Industry Management	64
Restaurant Management	64
Hospitality & Tourism Management	64
Culinary Management	64
Diving Business & Technology	62

Agricultural & Natural Resources Technologies		Human Service Technologies Discipline	
Discipline Agribusiness Technology	60	Early Childhood Management	63
Agricultural Production Technology	60	Child Development & Education	63
Aquaculture Management	63	Human Services—Generic Program	65
Citrus Production Technology	62	Human Services—Addiction Counseling Specialty	73
Forest Technology	62	Instructional Services Technology	63
Forest Management	75	Sign Language Interpretation	72
Irrigation Management	68	Recreation Technology	64
Landscape Technology	68	Social Services Technology	62
Marine Environmental Technology	60	Public Service Technologies Discipline	
Environmental Horticulture Technology	60	Criminal Justice Officer Administration	64
Pest Control Technology	62	Criminal Justice Technology	64
Golf Course Operations	69	Crime Scene Technology	60
Turf Equipment Management	67	Fire Science Technology	60
Zoo Animal Technology	66	Emergency Administration & Management	60
Construction Technologies Discipline		Environmental Technologies Discipline	
Air Conditioning, Refrigeration & Heating Systems Technology	64	Environmental Science Technology	64
Architectural Design & Construction Technology	66	Safety Engineering Technology	64
Building Construction Technology	64	Chemical Technology	64
Interior Design Technology	70	Office Systems, Secretarial, Court Reporting Discipline	
Drafting & Design Technology	62	Court Reporting Technology (Non-Accredited)	67
Civil Engineering Technology	63	Court Reporting Technology (Accredited)	73
Aviation Technologies Discipline		Office Systems Technology	63
Professional Pilot Technology	64	Communications and Entertainment Technologies	
Aviation Administration	64	Discipline Film Production Technology	64
Aviation Maintenance Management	83	Music Production Technology	63
Engineering (Electronic & Electrical) Technologies Discipline Computer Engineering Technology	68	Radio & Television Broadcast Programming	64
Electrical Power Technology	68	Theater & Entertainment Technology	64
Electronics Power Technology	68	Graphic Arts Technology	64
Biomedical Equipment Engineering Technology	68	Photographic Technology	64
Biomedical Laboratory Technician	61	Graphic Design Technology	64
Telecommunications Engineering Technology	64	Multimedia Technology	64
Engineering (Manufacturing) Technologies Discipline Plastics Engineering Technology	64	Technical Writing—Publications Technology	65
Manufacturing Technology	64	Imaging Technologies Discipline	
Industrial Management Technology	60	Diagnostic Medical Sonography Technology	72
Micro Electronics Manufacturing Technology	68	Nuclear Medicine Technology	75
Mechanical Technologies Discipline Automotive Service Management Technology	68	Radiation Therapy	77
Dealer Specific Automotive Technology	74	Radiography	77
Marine Engineering Management & Seamanship	66	Dental Technologies Discipline	
Computer Technologies Discipline Database Technology	63	Dental Hygiene	88
Computer Information Technology	63	Dental Laboratory Technology and Management	68
Computer Programming & Analysis	63	Health Information and Health Management Discipline Health Services Management	62
Internet Services Technology	63	Health Information Management	67
Networking Services Technology	63	Occupational and Physical Therapy Discipline Occupational Therapy Assistant	70
		Physical Therapist Assistant	74
		Vision Care Technologies Discipline Ophthalmic Technology	72
		Optical Management	60

Vision Care Technology/Opticianry	72	Fashion Marketing Management	63
Emergency Medical Services Discipline		Marketing Management	64
Emergency Medical Services	73	Travel & Tourism Industry Management	64
Medical and Histologic Technology Discipline		Restaurant Management	64
Histologic Technology	76	Hospitality & Tourism Management	64
Medical Laboratory Technology	76	Culinary Management	64
Radiation Protection Discipline		Diving Business & Technology	62
Radiation Protection Technology	65	Agricultural & Natural Resources Technologies	
Nursing and Midwifery Discipline		Discipline Agribusiness Technology	60
Nursing (Associate Degree) R.N.	72	Agricultural Production Technology	60
Midwifery	90	Aquabusiness Management	63
Respiratory Therapy Discipline Respiratory Care	76	Citrus Production Technology	62
Veterinary Technology Discipline Veterinary Technology	73	Forest Technology	62
Funeral Services Discipline Funeral Services	72	Forest Management	75
Dietetic Technician Discipline Dietetic Technician	64	Irrigation Management	68
Legal Assistant Discipline Legal Assisting	64	Landscaping Technology	68
Legal Assisting (ABA Accredited)	68	Marine Environmental Technology	60
Cardiopulmonary (Cardiovascular) Technology		Environmental Horticulture Technology	60
Discipline Cardiovascular Technology	77	Pest Control Technology	62
Cardiopulmonary Technology	83	Golf Course Operations	69
		Turf Equipment Management	67
		Zoo Animal Technology	66
		Construction Technologies Discipline	
		Air Conditioning, Refrigeration & Heating	
		Systems Technology	64
		Architectural Design & Construction Technology	66
		Building Construction Technology	64
		Interior Design Technology	70
		Drafting & Design Technology	62
		Civil Engineering Technology	63
		Aviation Technologies Discipline	
		Professional Pilot Technology	64
		Aviation Administration	64
		Aviation Maintenance Management	83
		Engineering (Electronic & Electrical) Technologies	
		Discipline Computer Engineering Technology	68
		Electrical Power Technology	68
		Electronics Engineering Technology	68
		Biomedical Equipment Engineering Technology	68
		Biomedical Laboratory Technician	61
		Telecommunications Engineering Technology	64
		Engineering (Manufacturing) Technologies Discipline	
		Plastics Engineering Technology	64
		Manufacturing Technology	64
		Industrial Management Technology	60
		Micro Electronics Manufacturing Technology	68
		Mechanical Technologies Discipline	
		Automotive Service Management Technology	68
		Dealer Specific Automotive Technology	74
		Marine Engineering Management & Seamanship	66

(3) Associate in Applied Science Degree. Each community college is authorized to provide programs of instruction consisting of college-level courses to prepare for entry into employment. The courses shall be based in theory and be of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. The programs shall not include courses classified as postsecondary adult vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. Effective with the Fall Term 2000, the associate in applied science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. The standard credit hour length of all associate in applied science degree programs shall be kept according to the Department of Education publication "Florida Community College System Program Length Document: 2003" incorporated herein by reference. Copies may be obtained through the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400. The standard credit hour length is:

Program Name	Required	Standard
Business, Marketing and Hospitality Discipline		
Accounting Technology	64	
Customer Service Technology	62	
Business Administration & Management	64	
Financial Services	64	

Computer Technologies Discipline		Occupational and Physical Therapy Discipline	
Database Technology	63	Occupational Therapy Assistant	70
Computer Information Technology	63	Physical Therapist Assistant	74
Computer Programming & Analysis	63	Vision Care Technologies Discipline	
Internet Services Technology	63	Ophthalmic Technology	72
Networking Services Technology	63	Optical Management	60
Human Service Technologies Discipline		Vision Care Technology/Opticianry	72
Early Childhood Management	63	Emergency Medical Services Discipline	
Child Development & Education	63	Emergency Medical Services	73
Human Services—Generic Program	65	Medical and Histologic Technology Discipline	
Human Services—Addiction Counseling Specialty	73	Histologic Technology	76
Instructional Services Technology	63	Medical Laboratory Technology	76
Sign Language Interpretation	72	Radiation Protection Discipline	
Recreation Technology	64	Radiation Protection Technology	65
Social Services Technology	62	Nursing and Midwifery Discipline	
Public Service Technologies Discipline		Nursing (Associate Degree) R.N.	72
Criminal Justice Officer Administration	64	Midwifery	90
Criminal Justice Technology	64	Respiratory Therapy Discipline	
Crime Scene Technology	60	Respiratory Care	76
Fire Science Technology	60	Veterinary Technology Discipline	
Emergency Administration & Management	60	Veterinary Technology	73
Environmental Technologies Discipline		Funeral Services Discipline	
Environmental Science Technology	64	Funeral Services	72
Safety Engineering Technology	64	Dietetic Technician Discipline	
Chemical Technology	64	Dietetic Technician	64
Office Systems, Secretarial, Court Reporting Discipline		Legal Assistant Discipline	
Court Reporting Technology (Non-Accredited)	67	Legal Assisting	64
Court Reporting Technology (Accredited)	73	Legal Assisting (ABA Accredited)	68
Office Systems Technology	63	Cardiopulmonary (Cardiovascular) Technology Discipline	
Communications and Entertainment Technologies Discipline		Cardiovascular Technology	77
Film Production Technology	64	Cardiopulmonary Technology	83
Musie Production Technology	63		
Radio & Television Broadcast Programming	64	(4) A Technical Certificate consisting of a program of instruction of less than sixty (60) credits of college-level courses, which is part of an associate in applied science degree (A.S.) or an associate in applied science degree (A.A.S.) program offered in the State of Florida and which prepares students for entry into employment, may be awarded to students who evidence satisfactory completion of the program.	
Theater & Entertainment Technology	64		
Graphic Arts Technology	64	(5) An Applied Technology Diploma consisting of a course of study that is part of an associate in science degree (A.S.) or an associate in applied science degree (A.A.S.), is less than sixty (60) credit hours, and leads to employment in a specific occupation may be awarded to students who have met the requirements of that diploma. An applied technology diploma program may consist of either <u>technical</u> vocational credit or college credit.	
Photographic Technology	64		
Graphic Design Technology	64		
Multimedia Technology	64		
Technical Writing—Publications Technologies	65		
Imaging Technologies Discipline			
Diagnostic Medical Sonography Technology	72		
Nuclear Medicine Technology	75		
Radiation Therapy	77		
Radiography	77		
Dental Technologies Discipline			
Dental Hygiene	88		
Dental Laboratory Technology and Management	68		
Health Information and Health Management Discipline			
Health Services Management	62		
Health Information Management	67		

science degree or an associate in applied science degree and are seeking an advanced specialized planning program of study to supplement their associate degree.

(7) Career and Technical Vocational Certificate. Each community college and postsecondary technical center may with a department designated as an area vocational education school, shall provide programs of instruction consisting of noncollege-level courses to prepare for entry into employment ~~as do the postsecondary area vocational technical centers assigned to public school boards~~. The courses shall be classified in the Community College Management Information System as postsecondary adult career and technical vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called technical vocational credit. Upon satisfactory completion of a planned program, including the demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule, the career and technical vocational certificate shall be awarded. ~~A community college without a department designated as an area vocational education school may provide vocational certificate programs of instruction under an agreement with a public school board in the community college district.~~

(8) Continuing Workforce Education Supplemental instruction. Each community college may shall provide, ~~within the limits of its assigned responsibility for vocational education and according to the needs for job skills improvement by people employed in its service area,~~ continuing education vocational instruction tailored to individual needs and designed to improve job performance. Such instruction shall be classified in the Community College Management Information System as continuing workforce education, supplemental, a noncredit classification.

(9) High school diploma. Each community college with assigned responsibility for adult basic and secondary instruction, shall provide, ~~within the limits of the assignment,~~ adult basic and secondary instruction as defined in Section 1004.02, 239.105, Florida Statutes. Such instruction shall be classified in the Community College Management Information System as adult basic and secondary, a noncredit classification. Upon satisfactory completion of a planned high school program, including the demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule, the high school diploma shall be awarded.

(10) Preparatory instruction. Each community college shall provide, according to the needs of its students, instruction to remedy deficiencies in the knowledge and skills judged necessary upon entry into a degree or certificate program of instruction in order to progress satisfactorily through the program. Such instruction shall be classified in the Community

College Management Information System as preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called preparatory credit.

(a) College preparatory. Preparatory instruction for students to enroll in college credit instruction shall be classified in the Community College Management Information System as college preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called college preparatory credit.

(b) Vocational preparatory. Preparatory instruction for students to enroll in technical vocational credit instruction shall be classified in the Community College Management Information System as vocational preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called vocational preparatory credit.

(11) Lifelong learning instruction. Each community college shall provide instructional activities to address community social and economic issues related to health and human relations, government, parenting, consumer economics, and senior citizens. Such instructional activities shall be classified in the Community College Management Information System as lifelong learning, a noncredit classification.

(12) Recreational and leisure time instruction. Each community college shall provide instructional activities to develop recreational or leisure time skills. Such instructional activities shall be classified in the Community College Management Information System as recreational and leisure time, a noncredit classification.

(13) These provisions shall not prevent community colleges from conferring honorary degrees, certificates, or diplomas.

Specific Authority 1001.02(9)(c),(d), 1001.02(1), 1001.03(12), 1004.02, 1004.94, 240.325, 229.053(1), 239.205(1) FS. Law Implemented 1001.03(12), 1004.93, 1004.91, 239.213, 229.551(1), 239.205, 239.301, 240.325 FS. History—Formerly 6A-8.50, Repromulgated 12-19-74, Amended 8-27-84, 8-29-85, Formerly 6A-14.30, Amended 5-14-91, 11-10-92, 5-2-95, 2-13-96, 12-30-99, 5-3-01.

6A-14.0301 Withdrawal and Forgiveness.

Community colleges shall adhere to the following procedures relating to student withdrawal from courses and to conditions under which forgiveness for grades earned will be granted to the student.

(1) Withdrawal.

(a) The student may withdraw without academic penalty from any course by the mid-point in the semester. Midpoint shall be defined as the point after which midterm assessments are completed, not to exceed 70 percent of the term. Withdrawals after that date would be granted only through established institutional procedures.

(b) The student will be permitted a maximum of two (2) withdrawals per course. Upon the third attempt, the student will not be permitted to withdraw and will receive a grade for that course.

(2) Forgiveness. Each college shall publish, in the catalog or student handbook, a statement which:

(a) Limits forgiveness to courses where D and F grades were earned.

(b) Limits to two (2) the number of times a course grade may be forgiven.

(c) Advises students regarding the potential impact of forgiven courses in the computation of a student's grade point average in transferring to other institutions, either public or private, and the need to consider the impact of retaking a course on their specific financial aid package.

(d) Courses may be repeated if they are designated as repeatable, such as choir, music, or journalism or are individualized courses of study; or if they are required to be repeated by a regulatory agency; or are being repeated as part of a regulatory requirement for continuing education to stay current in a field, such as teacher certification.

(3) Total attempts. A student may have only three (3) attempts per course including the original grade, repeat grades, and withdrawals at any point in the semester. A fourth attempt may be allowed only through an academic appeals process based on major extenuating circumstances.

(4) The number of total attempts allowed per course may be restricted for students enrolled in limited enrollment programs. Notification of such restrictions must be provided to students in writing upon admission to the limited enrollment program.

~~(5)(4)~~ Audit enrollments shall not count as attempts unless such enrollment is declared after the end of the drop/add period. College preparatory students, who are required to be certified as completing competency-based college preparatory instruction, shall not be enrolled as audits.

~~(6)(5)~~ Exceptions to the above provisions may be granted through an academic appeals process in accordance with the policies of the local board of trustees.

~~(7)(6)~~ Effective date. These procedures shall be implemented by the community college no later than the Fall 1997 academic term.

Specific Authority 1001.02(1), 1001.02(9), 1001.03 229.053(1), 240.325 FS. Law Implemented 1001.02(9) 240.325 FS. History--New 8-13-96, Amended 8-17-98, 1-23-00.

6A-14.041 Personnel Contracts.

~~(1) Contract forms for college full time instructional and administrative personnel shall be prescribed by the Commissioner. Contract forms for part-time instructional and administrative personnel and for other personnel shall be prescribed by the board of trustees. Counselors and librarians shall be considered instructional personnel for contract purposes.~~

~~(2) Periods of service. Contracts shall specify definite terms of service, indicating beginning and ending dates. Contracts for full time personnel shall meet requirements of the Division of Retirement for a full year of retirement service~~

~~credit. Full-time administrative personnel may be given multi-year contracts not to exceed three (3) years, but other contracts, except for the president, shall not exceed twelve (12) months, which may include parts of two (2) fiscal years.~~

~~(3) Payment. Contracts shall specify definite amounts, according to the appropriate salary schedule, to be paid in regular installments. No payment shall be made to contract personnel until the provisions of this rule are met.~~

~~(4) Instructional personnel contracts may be conditioned on a minimum number of students. Only in personnel contracts funded by grants or special project funds may the payment of salary be conditioned on the availability of funds.~~

~~(5) Anyone who accepts in writing a written offer of position, then reneges without board of trustees approval, shall be reported to the executive director, who shall notify presidents. The person shall be ineligible for Florida community college employment for one year from the date of the infraction.~~

~~(6) Beginning with Term I, 1986-87, a retired employee may be reemployed as an instructor on a noncontractual basis during the first year of retirement when reemployed under the provisions of Section 121.091(9)(b)2., Florida Statutes.~~

~~(3)(7) A Annual contract shall not create the expectancy of employment beyond the term of the contract. Non-renewal of a an annual contract shall not entitle the person to the reasons for non-renewal or to a hearing.~~

Specific Authority 1001.02(1), 1001.02(9), 1001.64(18), 1012.83, 1012.855 229.053(1), 240.325, 240.339, 240.335 FS. Law Implemented 1012.83 240.335, 240.339 FS. History--Formerly 6A-8.31, Repromulgated 12-19-74, Amended 1-29-76, 12-26-77, 7-16-79, 1-6-83, 9-11-84, 11-5-85, Formerly 6A-14.41, Amended 12-25-86, _____, c.f. Rules of the Department of Administration, Division of Retirement, Chapter 22B-2, F.A.C. Creditable Service.

6A-14.0411 Issuance of Continuing Contracts.

Continuing contracts are to be awarded for service in a full-time faculty capacity as determined by the college consistent with the following rules an instructional capacity only:

(1) In order to be eligible for a continuing contract, faculty must meet the following minimum requirements:

~~The board shall provide a continuing contract in a form approved by the Commissioner for each instructional employee in a community college who is classified under the provisions of subsection 6A-14.002(1), FAC., and who meets all of the following requirements:~~

(a) Completion of three (3) years of satisfactory service in the same college during a period not in excess of five (5) years with such service being continuous except for leave duly authorized and granted. Has completed three (3) years of satisfactory service in the same college during a period not in excess of five (5) successive years with such service being continuous except for leave duly authorized and granted; provided that a board may issue a continuing contract to a member of the instructional staff after two (2) years of

employment in the college, provided such individual has previously held a continuing contract in a county school system or a public community college within this state. All continuing contracts issued shall be based upon satisfactory service performed in an instructional position;

(b) Has been reappointed for the fourth year without any reservations or specifications as provided by Rule 6A-14.0412, F.A.C.; and

(c) Recommendation Has been recommended by the president and approval by the board for continuing contract based on successful performance of duties and demonstration of professional competence.

(2) Other criteria for a continuing contract colleges may consider including, without limitation, educational qualifications, efficiency, compatibility, character and capacity to meet the educational needs of the community, and the length of time the duties and responsibilities of this position are expected to be needed. Colleges shall provide in writing to faculty a copy of the criteria for a continuing contract.

(3)(2) The continuing contract shall be effective at the beginning of the annual college contractual periods, which are commensurate with approved year round operation, in which all requirements are completed on or before September 1.

(4)(3) Each employee issued to whom a continuing contract has been issued as provided herein shall be entitled to continue in a faculty position at in the college at the salary schedule authorized by the board without the necessity for annual nomination or reappointment until such time as the employee resigns except as otherwise provided in this rule or his contractual status is changed as prescribed below.

(4) Any employee who is under continuing contract may be dismissed or may be returned to annual contract status for another three (3) years at the discretion of the board when a recommendation to that effect is submitted in writing to the board on or before April 1 of any college year giving good and sufficient reasons therefor by the president and provided the president's recommendation is approved by a majority of the board. The employee whose contract is under consideration shall be duly notified in writing at least seven (7) days prior to the filing of the written recommendation with the board and such notice shall include a copy of the charges and the recommendation to the board. Should the board determine that it will consider the charges filed against the employee, it shall direct that a petition conforming to the requirements of the model rules of procedure adopted pursuant to Section 120.54(10), Florida Statutes, and including notification to the employee of his or her hearing rights, be filed with it and a copy served upon the employee. If the employee wishes a public hearing, he or she shall notify the board in writing within ten (10) days after the date of service of the petition. Upon receiving such a request, the board shall within fifteen (15) days notify the employee of the time and place of the public hearing on the charges which shall not be less than

fourteen (14) days from the service of the notice unless a different time is agreed to by all parties. The hearing shall proceed in accordance with the provisions of Chapter 120, Florida Statutes, and should be in substantial compliance with the model rules of procedure, Chapter 28, FAC, unless the parties mutually agree to an alternative hearing procedure. In the event the employee does not request a public hearing the board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the board.

(5)(a) The college may dismiss an employee under continuing contract or return the employee to an annual contract upon recommendation by the president and approval by the board. The president shall notify the employee in writing of the recommendation, and upon approval by the board, shall afford the employee the right to a hearing in accordance with the policies and procedures of the college. As an alternative to the hearing rights provided by college policies and procedures, the employee may elect to request an administrative hearing in accordance with the guidelines of Chapter 120, Florida Statutes, by filing a petition with the board within twenty one (21) days of receipt of the recommendation of the president. Should the board have to choose from among its personnel who are on continuing contract to which should be retained, among the criteria to be considered shall be educational qualifications, efficiency, compatibility, character and capacity to meet the educational needs of the community. Whenever a board is required to or does consolidate or reduce its program, the board may determine on the basis of the foregoing criteria from its own personnel and any other instructional personnel, which college employees shall be employed for service at the college and any employee no longer needed may be dismissed. The decision of the board shall not be controlled by any previous contractual relationship. In the evaluation of these factors, the decision of the board shall be final.

(b) Upon consolidation, reduction, or elimination of a community college program or restriction of the required duties of a position by the board. The board may determine on the basis of the criteria set forth in (1) and (2), which employees should be retained on a continuing or annual contract and which dismissed. The decision of the board shall not be controlled by any previous contractual relationship. In the evaluation of these factors, the decision of the board shall be final.

(6) Any employee classified under the provisions of Rule 6A-14.002(1)(a)(b), F.A.C., may be suspended, or dismissed by the board upon recommendation of the president at any time during the college year, provided that no such employee may be dismissed during the college year without opportunity to be heard at a public hearing after at least fourteen (14) days notice of the charges against the employee and of the time and place of hearing; and provided further that the charges must be based

~~on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness or conviction of any crime involving moral turpitude. A petition conforming to the requirements of the model rules of procedure, Title 28, F.A.C., specifying the charges and notifying the employee of his or her hearing rights shall be filed with the board and copy served upon the employee. Whenever such charges are made against any such employee, the board may suspend such employee without pay, pending a speedy, informal hearing, if requested by the employee. At any such informal hearing the board shall determine the necessity to suspend and withhold pay, and whether probable cause exists to support the charges. If the board determines that probable cause exists to support the charges and there exists a necessity of continuing the suspension without pay then it may do so, but if the charges are not sustained upon final hearing the employee shall be immediately reinstated and back salary shall be paid. If the board determines that there is no necessity to suspend without pay, then it shall reinstate the employee with pay and, further, it may dismiss the charges if it determines that probable cause does not exist to support same. In cases where a petition for dismissal of an employee has been filed with the board, the board shall hold a public hearing in accordance with the provisions of Section 120.57, Florida Statutes, and the model rules of procedure, Title 28, FAC, unless the parties mutually agree to an alternative hearing procedure. If a hearing is requested by the employee, after notice as provided above, the board shall determine upon the evidence as submitted whether the charges have been sustained and if the charges are sustained, either to dismiss said employee or fix the terms under which said employee may be reinstated. If such charges are sustained by a majority vote of the full membership of the board and such employee is discharged, the contract of employment shall be thereby canceled. Nothing in this rule shall preclude a board from utilizing the services of a hearing examiner to conduct either formal or informal hearings.~~

(7) Any employee who is employed in a cooperative education program in this state may be immediately placed on continuing contract with the board wherein the cooperative education program is produced if, at the time of employment, such person is on a continuing contract in a college which is participating in support of the particular cooperative education program in which the person is employed; provided that if at the time of reappointment of personnel, during the first three (3) years, said person is not recommended for continued employment in the cooperative education program, he or she shall automatically revert to continuing contract status in the college of immediate prior employment; and provided further that in meeting the requirements for a continuing contract prescribed herein, prior successive years of service rendered in any college participating in the support of the particular

~~cooperative education program may be counted as years of probationary service for a continuing contract with the board wherein the cooperative education program is produced:~~

~~(6)(7) Any employee holding a continuing contract who accepts an offer of annual employment in a capacity other than that in which the continuing contract was awarded may be granted an administrative leave of absence pursuant to the college's administrative rules shall lose continuing contract status, unless said employee has been granted an administrative leave of absence pursuant to board rules that recognize the interim assignment and provide for returning to the original contractual status at the end of the annual appointment.~~

Specific Authority 1001.02(1), 1001.02(9), 1012.83, 1012.855, 229.053(1), 240.325, 240.339, 240.335 FS. Law Implemented: 1012.83, 240.339 FS. History—Formerly 6A-8.33, Repromulgated 12-19-74, Amended 12-9-75, 2-14-77, 12-26-77, 7-16-79, Formerly 6A-14.411, Amended _____.

6A-14.047 Personnel Records.

(1) Personnel records shall contain information for efficient personnel administration which shall include, but not be limited, to dates of appointment, periods of employment, contract status, duties performed, records of leave, absences from duty, and evidence of ~~for each~~ factors used to calculate salary, retirement system records, and related documentation as determined by the college. ~~Certifications from previous employers may be included.~~

(2) Records about employee performance shall be released only according to Section 1012.81, Florida Statutes. ~~Records about employee performance shall be released only according to Section 240.337, Florida Statutes.~~

(3) Personnel records and limited access files shall be maintained by custodians designated by the college president. ~~Record of leave shall be determined from college records or:~~

(a) Retirement system records.

(b) An authentic document, contemporary with the time of leave, showing the leave was authorized and granted.

(c) Affidavits from the president and two other college employees in positions of authority and responsibility enabling them to certify that leave was authorized and granted. Such affidavits shall be considered only when no other proof is available, shall be used only to establish that leave was authorized and granted, and shall not be employed to grant leave retroactively.

(4) Personnel records shall be kept in locked containers certified against damage from fire for at least one hour. The president or designee shall have sole custody of the keys.

Specific Authority 1001.02(1), 1001.02(9), 1012.81, 229.053(1), 240.325, 240.337 FS. Law Implemented 1012.855, 1012.81, 240.335, 240.337 FS. History—Formerly 6A-8.751, Repromulgated 12-19-74, Amended 6-27-78, 12-19-84, Formerly 6A-14.47, Amended _____.

6A-14.0491 Instructional Personnel – Availability to Students.

Each community college board of trustees shall establish a policy on the availability of instructional personnel to students. The policy shall require full-time instructional faculty to schedule a minimum total of twenty-five hours per week for classroom contact hours and office hours as adjusted for assignments during non-traditional academic terms and non-traditional delivery. The policy shall require that the schedule of these hours to be publicly posted. Full-time instructional faculty shall be available to students during these posted hours according to the policy of the local board of trustees. Part-time faculty shall be available to students as prescribed by board policy.

Specific Authority 1001.02(9), 1001.64(18) FS. Law Implemented 1001.64(18) FS. History—New _____.

6A-14.054 Student Fees.

Each board of trustees shall establish, publish, collect, and budget student fees, and shall establish dates for paying fees. The dates shall be not later than the last day of the drop and add periods established by the boards.

(1) The percentage of the cost of education to be paid by students shall be computed annually from the Community College Program Fund by the Division State Board of Community Colleges, on behalf of the State Board of Education, for three (3) categories of instructional classifications: ~~(1) advanced and professional, postsecondary vocational, and college preparatory;~~

~~(2) Postsecondary adult vocational; and (3) supplemental vocational.~~ The full cost of each category shall be calculated by applying the percentage factors from the most recent annual cost analysis of the general current fund to the Community College Program Fund of the prior year. ~~Support costs shall be allocated to each category based on a uniform amount per credit hour or credit hour equivalent, and added to the direct instructional costs to determine the full cost of each category. Student fee revenue for each category shall be calculated from the assigned enrollment in the annual appropriations act. Standard fee rates shall be multiplied by the assigned enrollment to determine the student fee revenue for each category. Student fee revenue divided by full cost shall determine the percentage of the cost of education paid by students for each category.~~

~~(2) Tuition shall be defined as fees assessed to students for enrollment in college credit courses and postsecondary education programs specified in Section 239.117(1), Florida Statutes, at any of the community colleges. Tuition consists of the following fees, depending on whether a student is a resident or a non-resident:~~

~~(a) Resident tuition shall be defined as the matriculation fee charged an enrolled student who qualifies as a Florida resident.~~

~~(b) Non-resident tuition, comprised of the following, shall be defined as the fees charged an enrolled student who does not qualify as a Florida resident:~~

~~1. Matriculation fee.~~

~~2. Non-resident fee.~~

~~(3) Standard fee schedule. The standard matriculation and non-resident fees per credit hour or credit hour equivalent effective beginning with the fall term 1997 are:~~

Matriculation	Non-resident	
Advanced and professional, postsecondary vocational, and college preparatory	\$32.02	\$96.08
Postsecondary adult vocational	\$13.23	\$52.91
Supplemental vocational	\$28.93	\$102.57

~~(4) Matriculation fees. Each board of trustees shall establish a matriculation fee for each category in subsection (1) that shall not vary more than ten (10) percent from the standard matriculation fees in subsection (2) or from superseding fee ranges established in an appropriations act. Each board of trustees shall establish the same matriculation fees for adult basic, adult secondary, and vocational preparatory as established for postsecondary adult vocational.~~

~~(5) Non-resident fees. Each board of trustees shall establish a non-resident fee for students who do not qualify as residents for tuition purposes for each category in subsection (1) that shall not vary more than ten (10) percent from the standard non-resident fees in subsection (2) or from superseding fee ranges established in an appropriations act. Each board of trustees shall establish the same non-resident fees for adult basic, adult secondary, and vocational preparatory as established for postsecondary adult vocational. Non-resident fees shall be charged in addition to matriculation fees.~~

~~(2)(6) Tuition fees shall be charged only for instruction provided by the college. Tuition fees shall not be charged for the assessment of prior learning or the awarding of credit based on prior learning, regardless of whether the prior learning was acquired through instruction provided by the college or through instruction or experience external to the college.~~

~~(3)(7) Each board of trustees may allow a discount or charge a premium to tuition or out-of-state matriculation or non-resident fees for the purpose of resource management. The resultant tuition and out-of-state matriculation and non-resident fees shall be within the ranges specified in Section 1009.23(4), Florida Statutes.~~

~~(8) Lifelong learning instruction. Each board of trustees shall establish fees for lifelong learning instruction to supplement state appropriations for such instruction.~~

~~(4)(9) Recreational and leisure time instruction. Each board of trustees shall establish fees for recreational and leisure time instruction which generate annual revenue at least equal to the full cost of such instruction as provided for in Section 239.117(6), Florida Statutes.~~

~~(5)(40)~~ Audit fees. Students who audit courses shall pay the same fees as required of students enrolled for credit.

~~(6)(41)~~ Each board of trustees may establish user fees in addition to tuition fees for ~~courses and other instructional and noninstructional services that incur unusual costs. Such fees shall not exceed the estimated unusual costs, and shall not be charged to students not in the course or to persons or agencies not receiving the other services.~~ Such user fees shall not exceed the cost of the goods or services provided and shall only be charged to students or agencies receiving those goods or services may include, but not limited to, laboratory, application, graduation, parking, examination, and transcript fees.

~~(7)(42)~~ Each board of trustees shall have the authority to negotiate tuition fees for courses and programs contracted by external agencies and companies which vary from the tuition fee provided for in this rule. Such negotiated fees may exceed the full cost of instruction. The courses and programs of instruction funded from these negotiated fees shall not be reported for state funding purposes.

~~(13)~~ Each board of trustees may establish other fees, specifically:

~~(a)~~ A student financial aid fee for college credit instruction pursuant to Section 240.35(10), Florida Statutes, and for nonecollege credit instruction pursuant to Section 239.117(7), Florida Statutes.

~~(b)~~ A student activity and service fee for college credit instruction pursuant to Section 240.35(9), Florida Statutes, and budgeted pursuant to subsection 6A-14.057(1), F.A.C.

~~(c)~~ A capital improvement fee for college credit instruction pursuant to Section 240.35(13), Florida Statutes, and for nonecollege credit instruction pursuant to Section 239.117(16), Florida Statutes.

~~(8)(44)~~ Veterans and other eligible students under Section 1009.27(2) ~~240.345(2)(b)1~~, Florida Statutes, shall receive, upon request, one (1) deferment per academic year for the payment of registration fees. Upon request, such persons shall receive an additional deferment each time there is a delay in receipt of such benefits. Such deferments shall be for sixty (60) days, except they shall not extend beyond the end of the term.

~~(9)(45)~~ When institutional, state, or federal financial aid other than veterans' benefits is delayed in being transmitted to students through circumstances beyond their control, registration fees may be deferred up to sixty (60) days, but not beyond the end of the term, unless the institutions, state, or federal rules or regulations require additional time, events, or documentation that cannot be completed within the prescribed sixty (60) day period. Failure to make timely application for such aid shall not be a reason for granting deferral. The deferment shall be in accordance with rules adopted by the board of trustees setting forth the conditions under which the deferment shall be granted. A list of persons for whom fees are deferred and the amount of fees deferred shall be maintained.

~~(10)(46)~~ When Florida Prepaid College Postsecondary Education Expense Program benefits are delayed in being paid from the program to the community college through circumstances beyond the control of the student, registration fees covered by the benefits shall be deferred until the benefits are paid. The community college shall notify the State Board of Community Colleges if the benefits are not paid on a timely basis.

~~(11)(47)~~ When the college has a written promise of payment from business, industry, government unit, nonprofit organization, or civic organization, fees may be deferred as determined by the board of trustees.

~~(12)(48)~~ Registration fees are defined as tuition, out-of-state, matriculation, non-resident, student financial aid, activity and service, capital improvement, laboratory, and all other fees collected during the registration process.

~~(19)~~ Exemptions and waivers:

~~(a)~~ Exemptions. Registration fees shall not be assessed for:

~~1. Students without high school diplomas or the equivalent enrolled in adult basic skills education, adult secondary education, or vocational preparatory instruction.~~

~~2. Students with high school diplomas or the equivalent who demonstrate on tests approved in Subsection 6A-6.014(4) or Rule 6A-10.040, F.A.C., that their academic skills are limited to the eighth grade level or below and are enrolled in adult basic skills education, adult secondary education, or vocational preparatory instruction.~~

~~3. Students engaged in dual enrollment, including early admission, pursuant to Sections 239.117 and 240.116, Florida Statutes.~~

~~4. Students enrolled in apprenticeship programs defined in Section 446.021, Florida Statutes.~~

~~5. Students for whom the state is paying foster care board payments and who are enrolled under provisions in Sections 239.117 and 240.35, Florida Statutes.~~

~~6. Students enrolled in employment and training programs pursuant to Section 409.029, Florida Statutes, under provisions in Sections 239.117 and 240.35, Florida Statutes.~~

~~7. Students who are homeless pursuant to and enrolled under provisions in Section 239.117, Florida Statutes.~~

~~(b)~~ Exemptions. One-half of the matriculation fees, non-resident fees, student financial aid fees, activity and service fees, and capital improvement fees shall not be assessed for designated students who are members of the Florida National Guard enrolled in college credit courses pursuant to Section 250.10(6), Florida Statutes, and Rule 6A-10.045, F.A.C.

~~(c)~~ Waivers. Registration fees shall be waived for:

~~1. Students who are spouses of deceased state employees and eligible for workers' compensation death benefits and are enrolled pursuant to Section 440.16, Florida Statutes.~~

~~2. Students who are children of law enforcement officers killed in the line of duty and are enrolled pursuant to Section 112.19, Florida Statutes.~~

~~3. Students who are children of firefighters killed in the line of duty and are enrolled pursuant to Section 112.191, Florida Statutes.~~

~~4. Students enrolled in postsecondary adult vocational instruction, supplemental vocational instruction, or vocational preparatory instruction and granted fee waivers authorized in a General Appropriations Act.~~

~~5. Students enrolled in college credit instruction and granted fee waivers authorized in Section 240.35(14), Florida Statutes.~~

~~(13)(20)~~ When registration fees are waived by a board of trustees, a list of persons for whom fees are waived, documentation supporting the waivers, and the amount of fees waived shall be maintained.

Specific Authority ~~1001.02(1), 1001.64(4)(b), 1001.02(9), 1009.27, 1009.23(4), 229.053(1), 240.319(3)(c), 240.325, 240.345(2), 240.35~~ FS. Law Implemented ~~1001.02(9), 1001.64, 1004.65, 1004.93, 1007.271, 1009.23, 1009.27, 239.117(5), 239.301, 240.116(2)(a), 240.301(5), 240.319, 240.325, 240.345(2), 240.35(5)~~ FS. History—Formerly 6A-8.611, Repromulgated 12-19-74, Amended 4-8-75, 9-8-76, 1-10-77, 12-26-77, 9-6-78, 4-10-79, 7-2-79, 3-30-81, 7-16-81, 11-12-81, 8-16-82, 3-17-83, 12-20-83, 12-19-84, 5-14-85, 9-10-85, Formerly 6A-14.54, Amended 6-1-86, 11-13-86, 11-24-87, 9-15-88, 11-12-90, 7-1-92, 2-18-93, 2-16-94, 3-21-95, 3-20-96, 11-13-96, _____.

6A-14.0541 Student Fee Refunds.

Each community college board of trustees shall establish a rule for the refund of ~~matriculation~~, tuition, out-of-state fees, and other fees assessed pursuant to Rule 6A-14.054, FAC. Such rule shall include the following:

(1) A one hundred percent (100%) refund of ~~matriculation~~, tuition, out-of-state fees, and other fees when official drop notification is received and approved prior to the end of the college's published drop/add period.

(2) Criteria for refunds when a student drops a course due to circumstances determined by the college to be exceptional and beyond the control of the student which may include but not be limited to serious illness, death, involuntary call to active military duty, or other emergency circumstance or extraordinary situations identified by college rule.

(3) Exceptions to the hundred percent (100%) refund provision in subsection (1) shall be made pursuant to federal rules for prorated refunds.

(4) Notwithstanding the provisions of subsection 6A-14.076(3), FAC., refunds made pursuant to subsections (2) and (3) shall not affect the calculation of full-time equivalent students.

Specific Authority ~~1001.02(1)(9), 1001.03, 1010.58(1), 229.053(1), 240.325~~ FS. Law Implemented ~~1001.02(9), 1001.64, 1004.65(8), 1009.23, 1010.02, 1010.58(1), 228.072, 240.301(5), 240.311(3)(g), 240.319, 240.325, 240.345, 240.35, 240.363~~ FS. History—New 3-24-92, Amended 5-16-94, _____.

6A-14.057 Student Activities.

(1) Expenditures from student activity and service fees shall be according to a budget prepared jointly by students and college staff and approved by the president. Each board of trustees shall adopt procedures for student participation in the development of the budget for expenditures funded from the student activity and service fee. Such procedures shall require the budget to be based upon an estimate of total funds generated from this fee as well as an estimate of funds carried forward from the prior year. All lawful expenditures which benefit the student body may be funded from the student activity and service fee fund if such expenditures are included in the approved budget for this fee. Non-religious and religious student organizations may participate without respect to viewpoint and whether or not officers are required to abide by a statement of orthodoxy or faith. Sponsors shall be appointed for student activities so financed.

(2) Student organizations not so financed may be permitted on campus with faculty or staff advisors and under rules of the board of trustees. A college as a service to the organizations, or if necessary for the protection of student members, may provide that organization funds be placed with the college business office to be held in a custodial account and to be withdrawn and expended upon requisition according to the organization's approved budget.

Specific Authority ~~1001.02(1)(9), 1009.23(7), 1010.02, 240.325, 240.35(10), 240.363, 229.053(1)~~ FS. Law Implemented ~~1001.64, 1009.23(7), 1010.02(9)(e), 1009.26(1)(8), 1010.02, 240.319, 240.35(10), 240.363, 240.325(5), 240.35(5), 240.363~~ FS. History—Formerly 6A-8.19, Repromulgated 12-19-74, Amended 12-26-77, 4-17-85, Formerly 6A-14.57, Amended 12-18-94, _____.

6A-14.060 Accountability Standards.

The standards herein provide a basis for quality improvement and for accountability. Each community college shall:

(1) Adopt and follow a periodic needs assessment process to determine the educational services needed within the community college district. The process shall use accurate and current information about the educational services which could be provided by the college pursuant to its purpose. Needs assessment shall be conducted in cooperation with other institutions and agencies serving the district.

(2) Provide a system to enable its students to set educational goals for themselves and to use its services to attain the goals. The system shall recognize that many students establish their goals without direct assistance from the institution. Consideration of student goals shall be an important part of the institutional planning process.

(3) Establish a process to select and retain employees who are successful in helping the college accomplish its purpose. The process shall involve selection, evaluation, development, and retention procedures related to successful performance of the responsibilities for which the personnel are employed.

(4) Provide equal access to and equal opportunity in employment, programs, and services without regard to race, color, age, national origin, religion, marital status, or sex or disability and shall not discriminate against any qualified handicapped person.

(5) Develop a comprehensive, long-range program plan, including program and service priorities. Statements of expected outcomes shall be published, and facilities shall be used efficiently to achieve such outcomes. Periodic evaluations of programs and services shall use placement and follow-up data, shall determine whether expected outcomes are achieved, and shall be the basis for necessary improvements.

(6) Establish adequate and sound control of expenditures, efficient operations including energy conservation, and a budget process producing the greatest benefits to the service area. Efficiency is the economical use of resources to support programs. The emphasis is the operation of an effective program at a reasonable cost.

(7) Differentiate between the policy making responsibility of the board of trustees and the management responsibility of the president.

Specific Authority 1001.02(1)(9), 1001.03, 229.053(1), 240.325 FS. Law Implemented 1001.02(9) 240.311, 240.325 FS. History—Formerly 6A-8.40, Re promulgated 12-19-74, Amended 10-28-75, 12-26-77, 8-25-82, 10-12-82, 3-13-85, Formerly 6A-14.60, Amended _____.

6A-14.0716 Community College Budgets.

Each fiscal year, each community college shall prepare a budget in such form as prescribed by the State Board of Education for the Current Unrestricted Fund. Two copies of the budget approved by the board of trustees shall be submitted to the Chancellor, as designee of the Commissioner of Education, executive director by June 30 or on a later date established by the Chancellor executive director. The original or facsimile signature of the president on both copies shall certify board approval.

(1) The Chancellor, as designee of the Commissioner of Education, executive director shall approve the operating budget for have each community college after an examination budget examined for completeness, correctness, conformity with law and rule, State Board of Education Community Colleges' guidelines and preparation according to accepted accounting standards educational and fiscal principles.

(a) Anticipated budgeted revenues shall be reasonable and transfers from general current funds shall not handicap current operations.

(b) A contingency reserve not exceeding two (2) percent of the total available for appropriation is authorized in the general current fund.

(2) ~~Within thirty (30) days after the executive director receives a community college budget, the State Board of Community Colleges shall approve it or disapprove it and~~

~~point out deficiencies. The board of trustees shall submit a corrected budget within thirty (30) days after the date on the deficiency notice.~~

(2)(3) Until a budget is approved, ordinary expenses may be paid at the same monthly rate as budgeted for the preceding year.

(4) ~~In the execution of budgets, no expenditures or obligations shall exceed the amount budgeted in any class in any fund.~~

(3)(5) Boards of trustees are authorized to amend budgets. Amended budgets are required to be in compliance with laws, rules and accepted educational accounting standards and fiscal principles.

(a) Budget amendments approved by the board of trustees may reallocate funds between organizational units of a fund and between object codes.

(b) The following budget amendments require approval by the chancellor State Board of Community Colleges:

1. Transfer of funds appropriations from the Current Unrestricted Fund.

2. Amendments which cause the unencumbered fund balance to be inconsistent with the statutory guidelines specified in Section 1011.84(3)(e) 240.359(3)(e), Florida Statutes.

(c) ~~Overdrafts, or expenditures, shall not be created in any fund or depository account. If cash on hand is insufficient to pay salaries, a current loan shall be negotiated and repaid from the first funds available for that purpose.~~

(d) Salary deductions shall be made as required by law or as authorized by the board of trustees and approved in writing by the employee, and shall be remitted promptly.

(4)(6) Each fiscal year, as a part of the official budget, each community college board of trustees shall adopt a capital outlay budget for the capital outlay needs of the college for the entire fiscal year. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. Separate project accounts shall be kept in the Unexpended Plant Fund for all capital outlay projects.

Specific Authority 1001.02(1)(9), 1011.01, 1011.30 229.053(1), 240.325, 240.361, 237.031, 237.041 FS. Law Implemented 1010.01, 1010.02, 1011.30, 1011.31, 1011.84, 1013.61 116.34, 235.18, 240.311(5), 240.359, 240.361, 240.363, 240.367 FS. History—New 9-30-96, Amended _____.

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida's Public Community Colleges, 2001," incorporated herein by reference. Copies may be obtained through ~~from~~ the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(2) Enrollment related financial records shall be kept for all instruction so as to facilitate verification, confirmation, and comparison.

(3) If financial reports are not received from a community college when due, the Chancellor, as delegate of the Commissioner of Education, State Board of Community Colleges may withhold apportionments of state funds to the college until the reports are received.

Specific Authority 1001.02(1)(9), 1010.01(3) 229.053(1), 240.325-240.363, 237.01, 237.044 FS. Law Implemented 1010.01, 1001.02(9) 240.325, 240.363 FS. History—Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-99, 2-29-00, 7-29-01, _____.
c.f. Accounting Manual for Florida's Public Community Colleges.

6A-14.0734 Procurement Bidding Requirements.

(1) Colleges shall, as the circumstances require, publicly solicit the submittal of competitive offers request bids from at least three (3) sources, or solicit a request for proposals as defined in Section 287.012(16), Florida Statutes, when purchasing services or commodities exceeding the amount as specified in Section 287.017, Florida Statutes, for Category Two. Solicitations of competitive offers are defined as:

(a) “Competitive sealed bids”, “competitive sealed proposals” or “competitive sealed replies”, means the process of receiving competitive offers transmitted by secured electronic means or written bids, proposals, or replies.

(b) “Competitive solicitations” or “solicitations” means an invitation to bid, a request for proposal, request for quote, or an invitation to negotiate.

Boards of trustees may adopt smaller amounts beyond which to require the solicitation of competitive offers bidding. The college president or designee reserves the right to Colleges may reject any or all offers submitted in response to the college’s solicitation, and/or solicit new offers as deemed in the college’s best interest bids or proposals and request new bids or proposals. When accepting responsive offers to the college’s solicitations, bids or proposals, colleges shall accept the lowest or best responsive offer bid or proposal. If other than the lowest bid or best offer proposal meeting specifications is accepted, the college shall maintain a public record of the justification. Recommendation for awards Bids for purchases not exceeding the Category Five threshold as specified in Section 287.017, Florida Statutes, may be approved or rejected by the president or a designee if such authority is delegated in policy adopted by the board of trustees. Recommendation for awards Bids for purchases exceeding the Category Five threshold as specified in Section 287.017, Florida Statutes, shall be approved or rejected by the board of trustees.

(2) Exceptions to the three bid requirement to solicit competitive offers are:

(a) Purchases under Sections 946.515 and 946.519, Florida Statutes.

(a)(b) Educational tests, textbooks, printed instructional materials and equipment, films, filmstrips, video tapes, disc or tape recordings or similar audio-visual materials, graphic artistic services as defined in Section 278.012(3), Florida

Statutes including, but not limited to, film, video and television production services, and computer based instructional software.

(b)(e) Library books, reference books, periodicals, and other library materials and supplies.

(c)(d) Purchases at the unit or contract prices established through competitive solicitations by any unit of government established by law or non-profit buying cooperatives in county contracts, district school board contracts, Department of Management Services state term contracts/state negotiated agreement for price schedules (SNAPS), state university system cooperative bid agreements, cooperative contracts with other community colleges, and bid agreements of other community colleges.

(d)(e) Food.

(e)(f) Services or commodities available only from a single or sole source. Non-competitive items available from one source, items for resale, and used books.

(f)(g) Professional services, including, but not limited to, artistic services, instructional services, health services, academic program reviews, lectures by individuals, as defined in Section 287.057(3)(f), Florida Statutes, attorneys, legal services, auditors, and management consultants architects, engineers, and land surveyors. Services of architects, engineers, and land surveyors shall be selected and negotiated according to Section 287.055, Florida Statutes.

(g)(h) Information technology resources as defined as all forms of technology used to create, process, store, transmit, exchange and use information in various forms of voice, video and data, and shall also include the personnel costs and contracts that provide direct information technology support consistent with each individual college’s information technology plan in Section 282.303(10), Florida Statutes. Acquisitions of data processing equipment or software shall be in accordance with the college’s long-range Information Resource Technology plan.

(h) Single source procurements for purposes of economy or efficiency in standardization of materials or equipment.

(i) Items for resale.

(3) The college president or designee, may waive solicitation requirements in emergencies when there is an imminent threat to students, employees, or public safety or in cases when necessary to prevent damage to the facilities caused by an unexpected circumstance in accordance with rules established by the local board of trustees. The executive director may waive bidding requirements in emergencies when requested and justified by the board of trustees.

(4) When a board of trustees solicits the submittal of competitive offers and only one responsive offer is submitted finds that no valid or acceptable bid has been received for petroleum or paper products within the prescribed time for bidding, the college it may purchase such products or service under the best terms it can negotiate.

Specific Authority 946.519, 1001.02(1)(9), 1001.64, 1001.65, 240.325, 946.515, ~~946.519, 229.053(1)~~ FS. Law Implemented 1010.02, 1001.02(9), 1010.01, 287.012(16), 287.917, 240.325, 240.363 FS. History—Formerly 6A-8.121, Repromulgated 12-19-74, Amended 12-26-77, 6-12-83, 6-27-85, Formerly 6A-14.734, Amended 9-30-86, 11-12-91, 12-18-94, 6-18-96, 2-10-99, _____.

6A-14.075 Receipt, ~~and~~ Deposit, ~~and~~ Withdrawal of Funds.

Boards of trustees shall provide for the receipt, deposit and withdrawal of all funds received by the community college consistent with the following provisions.

(1) One or more qualified public depositories, as required by Section 136.01, Florida Statutes, and defined by Section 280.02, Florida Statutes, shall be designated by the board of trustees for the deposit of all funds of the board in accounts in the name of the board of trustees.

(2) ~~All~~ A record of all funds received by a community college shall be kept to identify the payer, the amount, and the purpose. Such funds received by a community college from all sources shall be deposited intact in a designated depository as soon as practicable and a record shall be kept to identify the payer, the amount, and the purpose. Funds received from federal sources shall be accounted for separately, but may be deposited in a bank account with other college funds except when the terms of such receipt require a separate depository account. Direct support organizations of community colleges may separately receive and deposit appropriations per Section 1011.85(8)-(10), Florida Statutes, and cash donations pursuant to Section 1004.70, Florida Statutes.

(3) Depository withdrawals shall be on numerically controlled checks signed by two (2) persons authorized by the board of trustees and bonded. Transfers of funds by electronic, telephonic, or other medium shall be according to rules of the board of trustees, shall provide adequate internal controls, and shall be confirmed in writing and signed by the designee of the board.

Specific Authority 136.01, 280.02, 1001.02(1)(9), 1004.70, 1011.85(8)-(10), 229.053(1), 240.325 FS. Law Implemented 1010.01, 1010.02, 240.363 FS. History—Formerly 6A-8.131, Repromulgated 12-19-74, Amended 5-14-85, Formerly 6A-14.75, Amended _____.

6A-14.076 FTE Calculation for the Community College Program Fund.

(1) The number of full-time equivalent students for the community college program fund is the college credits for which students register divided by thirty (30) or as otherwise specified by law ~~forty(40)~~. The number of hours for non-college credit plus the hours of instruction for which students register is in other instruction divided by nine hundred (900) contact hours or as otherwise provided by law.

(2) A student is registered in instruction that is subject to ~~matriculation and tuition, out-of-state~~ fees upon payment, waiver, or deferment of the fees, pursuant to law and rule, and

the recording of the transaction. A student is registered in instruction that is not subject to matriculation and tuition fees when the institution records the enrollment.

(3) When any fee refund results from a withdrawn registration, the credits or hours of instruction shall not be included in the calculation of full-time equivalent students.

Specific Authority 1001.02(1)(9), 1010.58(1), 229.053(1), 240.325 FS. Law Implemented 1010.58, 1010.01, 1010.02, 240.353, 240.359, 240.363 FS. History—Formerly 6A-8.172, Repromulgated 12-19-74, Amended 12-26-77, 7-9-81, 8-29-85, Formerly 6A-14.76, Amended 6-1-86, _____.

6A-14.0765 Investment of Funds.

The investment of funds by community colleges shall be in accordance with the classification of funds in the accounting manual incorporated in Rule 6A-14.072, F.A.C.

(1) Current funds, plant funds, and agency funds may be invested as authorized in Section 218.415, Florida Statutes. ~~These funds may also be invested with the State Board of Administration.~~

(2) Boards of trustees shall have authority to designate that funds due it be placed for investment in its account with the State Board of Administration investment pool or other authorized State investment pool account, rather than be deposited, and the board of trustees may direct those persons having money due to the board of trustees to pay such funds to the authorized State investment pool ~~Board of Administration~~ to make authorized investments for its accounts.

(3) Loan, endowment, annuity, and life income funds may be invested in securities in which the State Board of Administration is authorized to invest retirement funds pursuant to Sections ~~215.45 and~~ 215.47, Florida Statutes. To make such investments, the board of trustees shall adopt and adhere to an investment plan as described in Section 215.475, Florida Statutes. The investment plan shall be submitted to the State Board of Administration for review and comment. The college shall make all records of the entire investment operation available to the Auditor General for annual audit. Loan, endowment, annuity, and life income funds also may be invested pursuant to subsection (1) herein.

Specific Authority 1001.02(1)(9), 229.053(1), 240.325 FS. Law Implemented 1010.01, 1010.02, 218.415, 240.363 FS. History—Formerly 6A-8.14, Repromulgated 12-19-74, Amended 12-26-77, 5-14-85, Formerly 6A-14.765, Amended 8-29-89, 4-20-93, 8-28-95, 6-18-96, _____.

6A-14.077 Auxiliary Services and Enterprises and Undesignated Gifts.

Boards of trustees may operate or contract for auxiliary services and enterprises as defined in the accounting manual incorporated in Rule 6A-14.072, FAC., and may use funds generated from auxiliary operations and contracts and from undesignated gifts as provided herein as a service to, and incidental to, their instructional programs.

(1) Auxiliary funds and undesignated gifts shall be spent according to rules of the board of trustees for the benefit of the college.

(a) The board of trustees may authorize a portion of such funds to be disbursed at the discretion of the president for: promotion and public relations and hospitality of business guests of the college. Hospitality expenditure shall not exceed one percent of the prior year total expenditures in the current unrestricted fund.

(b) The board of trustees may authorize other uses of such funds for the benefit of the college through its rules or by special action of the board.

(2) Funds used for purposes under subsection (1) of this rule shall be transferred to the appropriate fund of the community college and included in the appropriate budget.

Specific Authority 1001.02(1)(9), 1010.08 229.053(1), 240.325 FS. Law Implemented 1010.08 240.377 FS. History-Formerly 6A-8.181, Repromulgated 12-19-74, Amended 11-18-84, Formerly 6A-14.771, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Armstrong, Chancellor, Community Colleges, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004 (Note: Rule 6A-14.0491 was noticed as 6A-14.049 and Rule 6A-14.0061 was noticed as 6A-14.080.)

DEPARTMENT OF EDUCATION

State Board of Community Colleges

RULE TITLES:	RULE NOS.:
Area Served	6H-1.017
Delegation of Powers and Duties	6H-1.030
Substitute Admission and Graduation Requirements	6H-1.041
Florida Academic Improvement Trust Fund for Community Colleges	6H-1.042
Technology Transfer Centers	6H-1.044
Centers of Technology Innovation	6H-1.045

PURPOSE AND EFFECT: These repeals are necessary due to the statutory elimination of the State Board of Community Colleges, changes in governance and subsequent transfers of powers and duties to the State Board of Education.

SUMMARY: These rules are repealed to reflect changes made in the Florida Statutes.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1), 240.325, 240.339, 240.363, 1001.02(1),(9), 1012.83 FS.

LAW IMPLEMENTED: 229.053, 240.311, 240.313, 240.319, 240.355, 240.363, 1012.83 FS.

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

TIME AND DATE: 9:00 a.m., June 15, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education, 325 West Gaines Street, Rm. 1324, Tallahassee, Florida 32399-0400, (850)245-0448

THE FULL TEXT OF THE PROPOSED RULES IS:

6H-1.017 Area Served.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 228.041(1),(21), 229.053, 240.311 FS. History-Formerly 6A-8.86, Repromulgated 12-19-74, Amended 12-26-77, 9-11-84, Formerly 6A-14.06, Amended 12-18-90, Formerly 6A-14.006, Repealed _____.

6H-1.030 Delegation of Powers and Duties.

Specific Authority 240.309(1) FS. Law Implemented 240.311(4), 240.36(7)(c) FS. History-New 2-27-84, Amended 1-7-85, 5-28-85, Formerly 6H-1.30, Amended 3-9-87, 1-18-00, Repealed _____.

6H-1.041 Substitute Admission and Graduation Requirements.

Specific Authority 240.311 FS. Law Implemented 240.152, 240.153 FS. History-New 5-12-87, Repealed _____.

6H-1.042 Florida Academic Improvement Trust Fund for Community Colleges.

Specific Authority 240.311(2), 240.36(8) FS. Law Implemented 240.36 FS. History-New 11-23-87, Repealed _____.

6H-1.044 Technology Transfer Centers.

Specific Authority 240.311(2), 240.334(10),(11), 1001.02(1), 1004.78(10),(11) FS. Law Implemented 240.334(10),(11) FS. History-New 12-25-89, Repealed _____.

6H-1.045 Centers of Technology Innovation.

Specific Authority 240.309(1), 240.3335 1004.77 FS. Law Implemented 120.53(1), 240.309(1), 240.3335 1004.77 FS. History-New 10-11-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Armstrong, Chancellor, Community Colleges, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2004

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Crime Information Bureau; Criminal History Records; Fingerprinting and Reports

RULE CHAPTER NO.: 11C-4

RULE TITLE: Uniform Arrest Affidavits and Reports

RULE NO.: 11C-4.009

PURPOSE AND EFFECT: Creates a uniform affidavit and report for use by law enforcement agencies when making arrests for a violation of Section 316.193, F.S., as required by statute.

SUMMARY: The rule provides for a uniform affidavit and report and incorporates those forms by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.05(2)(d) FS.

LAW IMPLEMENTED: 316.193, 943.05(2) 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: 10:00 a.m., Monday, June 7, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad A, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this program are requested to please advise the Department at least five days prior to the workshop by calling: (850)410-7900 (Voice) or (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, (850)410-7676

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-4.009 Uniform Arrest Affidavits and Reports.

(1) A Uniform Probable Cause Affidavit, FDLE Form PCA 1 – March 2004, is adopted for use by all law enforcement agencies in the State of Florida when making DUI arrests pursuant to Section 316.193, Florida Statutes.

(2) A Uniform Alcohol Influence Report, FDLE Form AIR 1 – March 2004, is adopted for use by all law enforcement agencies in the State of Florida when making DUI arrests pursuant to Section 316.193, Florida Statutes.

(3) This rule shall not preclude the use of other probable cause affidavits or alcohol influence reports, and law enforcement agencies are authorized to supplement the Uniform Probable Cause Affidavit or the Uniform Alcohol Influence Report with additional affidavits and reports.

(4) Failure to use the Uniform Probable Cause Affidavit or the Uniform Alcohol Influence Report shall not prohibit prosecution of a person arrested for a violation of Section 316.193, Florida Statutes, and shall have no effect on the legality or validity of such arrest.

(5) The above referenced forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302.

Specific Authority 943.05(2)(d) FS. Law Implemented 316.193, 943.05(2) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, (850)410-7810

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Ramage, Florida Department of Law Enforcement, Office of General Counsel

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

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

DEPARTMENT OF REVENUE

Corporate, Estate, and Intangible Tax

RULE TITLE: Adjustments to Income

RULE NO.: 12C-1.044

PURPOSE AND EFFECT: The purpose of this new rule is to provide guidance on how the Department or a business can make adjustments to income as reported for corporate income tax purposes.

SUMMARY: This new rule provides information on: (1) when the Department may require adjustments under Section 220.44, F.S., to clearly reflect Florida net income; and (2) how a taxpayer may ask the Department for an adjustment under Section 220.44, 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 regulatory costs or to provide a proposal for a lower-cost regulatory alternative must do so in writing within 21 days after this notice.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.44 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., June 22, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715, e-mail: address.ducasser@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.044 Adjustments to Income.

(1) The Executive Director or the Executive Director's designee is authorized to make adjustments to clearly reflect income in order to arrive at a proper and accurate tax. Such discretion may be exercised when any agreement, understanding, arrangement, or device, whether by inadvertence or design, improperly or inaccurately reflects Florida income. Adjustments are authorized to be made, but are not limited to, any item or items of income, loss, deduction, apportionment factor, or exclusion and can be made to all or part of any such item or items to the extent required to properly and accurately reflect income. Utilization of this authority by the Executive Director or the Executive Director's designee shall not be limited to circumstances where the improper or inaccurate reflection of income results from efforts to reduce, avoid, or escape tax.

(2) Examples when such adjustments are authorized to be made include, but are not limited to:

(a) Transactions at more or less than a fair price, which include, but are not limited to:

1. Transfers of property.
2. Loans and advances.
3. Services.
4. Transfers or use of intangible property.

(b) Transactions, arrangements, or agreements with little or no business purpose other than the reduction or avoidance of tax;

(c) Methods of accounting that fail to properly and accurately reflect income such as the inconsistent treatment of items of income, loss, or expense; or

(d) Acquisitions requiring substantial capital investment in Florida resulting in substantial changes in organizational structure and increases in the Florida apportionment fraction of the newly acquired corporation or group of corporations due to increases in the property and payroll factors.

(3)(a) If a taxpayer requests an adjustment under Section 220.44, F.S., pursuant to (2)(d), such request shall be made by the taxpayer through submission of a request for such adjustment to the Executive Director or the Executive Director's designee. Whether such adjustment shall be allowed and the amount of any adjustment shall be determined through an analysis that takes into account and balances the factors listed in this rule against the net tax effect of the amount of the adjustment. The taxpayer shall provide information requested by the Executive Director or the Executive Director's designee that shall be utilized when making the analysis and the determination of whether and to what extent an adjustment is appropriate under Section 220.44, F.S.

(b) When an affiliated group of corporations that is necessitated by regulatory and market requirements to create different legal entities and has never elected to file a Florida consolidated return acquires a separate group of affiliated corporations and:

1. The acquired group of corporations:

a. Is or will continue to be headquartered in Florida;

b. Was properly filing Florida consolidated returns prior to acquisition; and

c. Has substantial debt prior to acquisition, which is paid directly or indirectly by the purchaser as part of the purchase price;

2. The purchaser or its existing affiliates incurred substantial debt in order to effect the acquisition; and

3. The taxpayer demonstrates that substantial net operating losses will occur upon the filing of separate Florida returns by members of the affiliated group, the Executive Director or the Executive Director's designee is authorized to enter into an agreement with the parent company of the affiliated group for an adjustment to accelerate the deduction of current year net operating losses within the affiliated group for a period not to exceed 5 years. The Executive Director or the Executive Director's designee is authorized to impose other conditions so that the adjustment is limited to the acceleration of current year net operating losses. Under no circumstances shall a taxpayer be allowed to use more tax preference items than it would have been entitled to use without the acceleration effects of this rule. The tax effect of the acceleration of current year net operating losses in each of the years under the agreement shall not exceed the lesser of ten percent (10%) of the additional Florida investments made in the first three tax years after the acquisition that contribute to the increased payroll and property factor related to the acquired companies, or \$2 million.

(c) The agreement shall include provisions for the recapture of any tax benefits resulting from such adjustments should the conditions set forth in this rule or the agreement no longer be met.

(d)1. A taxpayer, any successor entities, or other members of an affiliated group of corporations that includes the taxpayer or any successor entities that has entered into an agreement with the Department under this rule shall not submit a request to revise, amend, or modify the existing agreement unless the taxpayer presents information showing that unforeseen circumstances have arisen with respect to the transaction that is the subject of the agreement.

2. A taxpayer, any successor entities, or other members of an affiliated group of corporations that includes the taxpayer or any successor entities that has entered into an agreement with the Department under this rule shall not submit a request for another agreement under this subsection for a period of 10 years from the date of the existing agreement unless the taxpayer presents information regarding a new transaction that involves a different acquired corporation or group of corporations from those included in the existing agreement.

(e) Should a taxpayer disagree with a decision made by the Executive Director or the Executive Director's designee on a request for an adjustment made pursuant to this subsection, the taxpayer may request review of the decision by the Governor and Cabinet acting as the head of the Department of Revenue.

(4) When requested, a taxpayer shall be required to submit information under oath or affirmation and shall permit examination of books and records as may be necessary to allow the Executive Director or the Executive Director's designee to determine whether and to what extent an adjustment is appropriate.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.44 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Ducasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715, e-mail: ducasser@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rod Felix, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, Tallahassee, Florida 32314, (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003, Vol. 29, No. 43, pp. 4219-4420. A workshop was held on November 12, 2003. Testimony was received during the workshop and written comments were submitted after the workshop, but no changes were made to the proposed rule.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Participation by Disadvantaged Business Enterprises	14-78
RULE TITLES:	RULE NOS.:
General	14-78.001
Time and General Procedural Requirements	14-78.0011
Definitions	14-78.002
General Responsibilities	14-78.003
Non-Federally Funded State DBE Program	14-78.004
Participation by Disadvantaged Business Enterprises	14-78.005
Procedure for Certification	14-78.007
Challenge Procedure	14-78.0071
Suspension or Revocation	14-78.008
Federal Appeal Rights	14-78.0081
Forms	14-78.009

PURPOSE AND EFFECT: This is a substantial amendment to Rule Chapter 14-78, F.A.C. Ten of the rules are to be repealed and Rule 14-78.005, F.A.C., is being substantially reworded. The provisions of 49 C.F.R. Part 26 (10-1-03 Edition) are incorporated by reference.

SUMMARY: This is a significant amendment of Rule Chapter 14-78, F.A.C., which includes repeal of 10 of the existing rules and substantial rewording of Rule 14-78.005, F.A.C.

SPECIFIC AUTHORITY: 337.125, 337.137, 339.0805 FS.

LAW IMPLEMENTED: 337.125, 337.137, 339.0805 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

PARTICIPATION BY SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS ENTERPRISES INDIVIDUALS IN DEPARTMENT OF TRANSPORTATION CONTRACTS

14-78.001 General.

Specific Authority 334.044(2), 339.0805(5) FS. Law Implemented 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.01, Amended 9-21-87, 5-4-88, Repealed _____.

14-78.0011 Time and General Procedural Requirements.

Specific Authority 334.044(2), 339.0805 FS. Law Implemented 339.05, 339.0805 FS. History—New 5-23-84, Formerly 14-78.011, Amended 9-21-87, 5-4-88, 12-2-93, Repealed _____.

14-78.002 Definitions.

Specific Authority 334.044(2), 339.05, 339.0805 FS. Law Implemented 339.05, 339.0805 FS. History—New 5-23-84, Formerly 14-78.02, Amended 9-21-87, 5-4-88, 4-17-89, 6-24-91, 4-15-92, 12-2-93, Repealed _____.

14-78.003 General Responsibilities.

Specific Authority 334.044(2), 337.125(4), 337.137(3) FS. Law Implemented 337.125, 337.137, 337.139, 339.05, 339.0805 FS. History—New 12-9-81, Amended 5-23-84, 11-10-85, Formerly 14-78.03, Amended 9-21-87, 5-4-88, 4-17-89, 6-24-91, 12-2-93, 10-30-96, 8-12-97, 12-31-98, Repealed _____.

14-78.004 Non-Federally Funded State DBE Program.

Specific Authority 334.044(2), 337.125(4), 337.137(3), 337.139, 339.0805 FS. Law Implemented 337.125, 337.137, 337.139, 339.0805 FS. History—New 12-2-93, Repealed _____.

(Substantial rewording of Rule 14-78.005 follows. See Florida Administrative Code for present text.)

14-78.005 Participation by Disadvantaged Business Enterprises Standards for Certification of DBEs.

(1) The major purpose of the Disadvantaged Business Enterprise (DBE) Program is to assure nondiscrimination and DBE utilization in road and bridge construction and maintenance projects. Contractors are required to comply with the following special provision contained in all road and bridge contracts:

<u>Special Provision for DBE Contracts</u>
<u>General. Prior to award of the contract, have an approved DBE Affirmative Action Program Plan filed with the Equal Opportunity Office. Update and resubmit the plan every three years. No contract will be awarded until the Department approves the Plan. The DBE Affirmative Action Program Plan and commitment to carry out the Plan must be incorporated into and become part of the awarded contract. Failure to keep these commitments will be deemed noncompliance with these specifications and a breach of the contract. Take all necessary and reasonable steps to ensure that Disadvantaged Business Enterprises, as defined in 49 C.F.R. Part 26, have the opportunity to participate in, compete for, and perform subcontracts. Do not discriminate on the basis of age, race, color, religion, national origin, sex, or disability in the award and performance of this contract.</u>
<u>Plan Requirements. Include the following in the DBE Affirmative Action Program Plan:</u>
<u>A policy statement, expressing a commitment to use DBEs in all aspects of contracting to the maximum extent feasible. The policy making body must issue a policy statement signed by the chairperson, which expresses its commitment to utilize DBEs, outlines the various levels of responsibility, and states the objectives of the program. Circulate the policy statement throughout the Contractor's organization.</u>

The designation of a Liaison Officer with the contractor's organization, as well as support staff, necessary and proper to administer the program, and a description of the authority, responsibility, and duties of the Liaison Officer and support staff. The Liaison Officer and staff are responsible for developing, managing, and implementing the program on a day-to-day basis for carrying out technical assistance activities for DBEs and for disseminating information on available business opportunities so that the DBEs are provided an equitable opportunity to participate in contracts let by the Department. Use techniques to facilitate DBE participation in contracting activities such as:

1. Soliciting price quotations and arranging a time for the review of plans, quantities, specifications, and delivery schedules, and for the preparation and presentation of quotations.
 2. Providing assistance to DBEs in overcoming barriers such as the inability to obtain bonding, financing, or technical assistance.
 3. Carrying out information and communication programs or workshops on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual, where appropriate.
 4. Encouraging eligible DBEs to apply for certification.
 5. Contacting Minority Contractor Associations and city and county agencies with programs for disadvantaged individuals for assistance in recruiting and encouraging eligible DBE contractors to apply for certification.
- DBE Records and Reports. Submit the Anticipated DBE Participation Statement at or before the Pre-construction Conference. Report monthly, through the Equal Opportunity Reporting System on the Department's website, actual payments, retainage, minority status, and work type of all subcontractors and major suppliers. The Equal Opportunity Office will provide instructions on accessing this system. Develop a record keeping system to monitor DBE affirmative action efforts which include the following:
1. The procedures adopted to comply with these specifications;
 2. The number of subordinated contracts on Department projects awarded to DBEs;
 3. The dollar value of the contracts awarded to DBEs;
 4. The percentage of the dollar value of all subordinated contracts awarded to DBEs as a percentage of the total contract amount.
 5. A description of the general categories of contracts awarded to DBEs; and
 6. The specific efforts employed to identify and award contracts to DBEs.

Upon request, provide the records to the Department for review.
 All such records are required to be maintained for a period of five years following acceptance of final payment and available for inspection by the Department and the Federal Highway Administration.

(2) 49 C.F.R. Part 26 (10-1-03 Edition) is incorporated herein by reference and adopted by the Department for participation by disadvantaged business enterprises in the Department's federally funded projects. The provisions of 64 Federal Register No. 21, February 2, 1999, and 68 Federal Register No. 115, June 16, 2003, are available from the Department for informational purposes only. They also can be obtained on the Internet at <http://www.gpoaccess.gov/fr/index.html>.

Specific Authority 334.044(2), 337.125(4), 337.137(3), 339.0805(1) FS. Law Implemented 337.125, 337.137, 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.05, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, Repealed.

14-78.007 Procedure for Certification.

Specific Authority 334.044(2), 339.0805(1) FS. Law Implemented 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.07, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, Repealed.

14-78.0071 Challenge Procedure.

Specific Authority 120.53(1)(b), 334.044(2), 339.0805(1) FS. Law Implemented 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History--New 6-24-91, Amended 12-2-93, Repealed.

14-78.008 Suspension or Revocation.

Specific Authority 334.044(2), 337.137(3), 339.0805(2) FS. Law Implemented 120.57, 334.044(27), 337.137, 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.08, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, Repealed.

14-78.0081 Federal Appeal Rights.

Specific Authority 334.044(2), 339.0805(1) FS. Law Implemented 339.05, 339.0805 FS. History--New 5-23-84, Formerly 14-78.081, Amended 9-21-87, 12-2-93, Repealed.

14-78.009 Forms.

Specific Authority 334.044(2), 339.0805(1),(2) FS. Law Implemented 334.044(27), 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.09, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Art Wright, Manager, Equal Opportunity Office
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

FLORIDA PAROLE COMMISSION

RULE TITLE: Definitions – Satisfactory Release Plan
 RULE NO.: 23-21.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to the rule is to modify the definition of what constitutes a satisfactory release plan for consideration for parole release. The effect of the amendment will be to enhance the protection of the public and to facilitate the successful supervision of prison inmates released to parole supervision.

SUMMARY: The proposed amendment to the rule modifies the definitions of what constitutes a satisfactory release plan for consideration for release on parole supervision.

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: 947.07, 947.174(5)(b) FS.

LAW IMPLEMENTED: 947.1745(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kim Fluharty, General Counsel, Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

THE FULL TEXT OF THE PROPOSED RULE IS:

23-21.002 Definitions – Satisfactory Release Plan.

(1) through (44) No change.

(45) Satisfactory Release Plan means a release plan that meets all of the following requirements which shows:

(a) A residence confirmed by field investigation to be sufficient to meet the living needs of the individual seeking parole, or sufficient financial resources or assistance to secure adequate living accommodations with the approval of the parole supervisor, ~~and~~

(b) Self-sustaining employment or financial support sufficient to preclude the parolee from becoming a public charge which has been confirmed by field investigation, ~~and~~

(c) Both (a) and (b) available in a community that does not represent individual, collective, or official resentment or hostility to an extent that it impairs the opportunity for lawful and peaceful existence of the parolee or any individual within that community.

(d) If the individual seeking parole is a convicted sexual offender, the proposed residence and employment must not pose an undue risk to children under the age of eighteen.

(e) The occupants of the proposed residence must not pose an undue risk to the inmate's ability to reintegrate into society.

(f) The proposed residence must not contain any firearms.
(46) through (52) No change.

Specific Authority 947.07, 947.174(5)(b) FS. Law Implemented 947.1745 FS. History--New 9-10-81, Amended 10-1-82, 8-1-83, 7-1-84, Formerly 23-21.02, Amended 7-9-87, 1-29-93, 1-5-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kim Fluharty

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Fluharty

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

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

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

RULE TITLE: Strategic Regional Policy Plan for South Florida RULE NO.: 29J-2.009

PURPOSE AND EFFECT: This rule amendment amends Rule 29J-2.009, F.A.C., which pertains to the Strategic Regional Policy Plan for South Florida.

SUMMARY: The Strategic Regional Policy Plan for South Florida is a policy document that is utilized by the South Florida Regional Planning Council for the purpose of assisting local governments in the South Florida Region, planning for the future of the Region and reviewing comprehensive plans and plan amendments and Developments of Regional Impacts for local governments in the Region.

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: 120.54, 186.507 FS.

LAW IMPLEMENTED: 120.54, 186.507, 186.508 FS.

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

TIME AND DATE: 10:30 a.m., June 7, 2004

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, Florida 33021

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the South Florida Regional Planning Council with respect to any matter considered at these meetings, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Daniels, South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

THE FULL TEXT OF THE PROPOSED RULE IS:

29J-2.009 Strategic Regional Policy Plan for South Florida.

The Strategic Regional Policy Plan (SRPP) for South Florida, was prepared in response to Section 186.507, F.S., and is based on current studies of the Region. The Council adopts the Strategic Regional Policy Plan for South Florida, which is incorporated herein by reference and copies of which are kept at the Council offices at 3440 Hollywood boulevard, Suite 140, Hollywood, Florida, to guide Council decision-making.

Specific Authority 120.54, 186.507 FS. Law Implemented 120.54, 186.507, 186.508 FS., Chapter 93-206, Laws of Florida. History--New 8-13-95, Amended 12-26-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2004

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Chiropractic Services RULE NO.: 59G-4.040

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations

Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004. The coverage and limitations handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004.

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

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

SPECIFIC AUTHORITY 409.919 FS.

LAW IMPLEMENTED 409.906, 409.907, 409.908, 409.9081 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):

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

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-~~4.0015-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented ~~409.906, 409.907, 409.905, 409.908, 409.9081~~ FS. History—New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ouida Mazzoccoli

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 23, 2004

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Acceptable Variance of Examiners
 RULE NO.: 64B5-2.017

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow for reconciliation of significant examiner rating differences in scoring of examinations.

SUMMARY: The proposed rule amendment allows for uncorroborated 0's and 1's to be discarded and not used in averaging, and for a critical difference score not to be used in averaging.

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(3), 466.006(4)(b)5. FS.

LAW IMPLEMENTED: 466.006(4) 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:

64B5-2.017 Acceptable Variance of Examiners.

(1) All clinical gradings by examiners are to be made independently. Each clinical procedure shall be graded by three (3) examiners. However, uncorroborated 0 and 1 will be discarded and will not be used in averaging. A critical difference score will be discarded and will not be used in averaging. On the clinical examinations described in Rules

64B5-2.013 and 64B5-2.019, F.A.C., the three independent grades shall be averaged to determine an applicant's final grade on each procedure of the clinical examination. On the clinical portion of the dental hygiene examination described in Rule 64B5-2.0135, F.A.C., the three independent grades shall be utilized in a system of corroborated errors to determine an applicant's final grade on each procedure of the clinical portion. The corroborated errors grading system requires that at least two (2) of the independent examiners must agree on the presence of the error before the error may be used in calculating an applicant's grade.

(2) through (3) No change.

Specific Authority 466.004(3), 466.006(4)(b)5. FS. Law Implemented 466.006(4) FS. History--New 12-10-79, Amended 6-22-80, 4-20-81, 5-24-82, 12-6-82, 5-24-83, 5-2-84, 5-19-85, Formerly 21G-2.17, 21G-2.017, 61F5-2.017, 59Q-2.017, Amended _____.

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 Pharmacy

RULE TITLE: Centralized Prescription Filling **RULE NO.:** 64B16-28.450

PURPOSE AND EFFECT: The Board proposes the rule amendments in response to comments from the Joint Administrative Procedures Committee to clarify the requirements for centralized prescription filling.

SUMMARY: The proposed rule amendments define and set forth the requirements for supplier and receiving pharmacies engaged in centralized prescription filling.

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: 465.003, 465.005, 465.0265 FS.

LAW IMPLEMENTED: 465.003(16), 465.0265 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.450 Centralized Prescription Filling.

~~Pharmacies acting as the supplier pharmacy under the centralized prescription filling of Section 465.0265, F.S., shall be licensed as either a community pharmacy or a non-resident pharmacy as appropriate.~~

(1) As used herein:

(a) The term "receiving pharmacy" means a pharmacy wherein the prescription which will be filled by the supplier pharmacy is initially presented. A "receiving pharmacy" is also the pharmacy which will dispense the medication once the prescription has been filled by the supplier pharmacy and then delivered to the receiving pharmacy; and.

(b) The term "supplier pharmacy" means a pharmacy which performs centralized prescription filling for one or more receiving pharmacies.

(2) Pharmacies acting as the supplier pharmacy must be authorized to dispense medications under the provisions of Chapter 465, Florida Statutes, and the rules promulgated thereto.

(3)(4) A community pharmacy which acts Community pharmacies acting as the supplier pharmacy and which notifies limiting its dispensing to centralized prescription filling who file notice with the Board that its such pharmacy practice is so limited only to such practice shall be exempt from the following rules:

(a) through (c) No change.

(4)(2) All supplying and receiving pharmacies engaged in centralized prescription filling shall create and keep current a Policy and Procedure Manual which shall:

(a) Be prepared and maintained at the locations of specific to the supplying and receiving pharmacies; pharmacy at both locations;

(b) Include the information Appropriately address each of the elements required in by Sections 465.0265(2)(a)-(f), F.S.; and

(c) Be reviewed and found compliant with this section and Section 465.0265, Florida Statutes, by a board representative prior to initiation of service.

(5)(3) Delivery of medications by the supplying pharmacy shall only be made to the receiving pharmacy for dispensing. Such delivery must be made where the prescription resides and must be in a timely manner.

(6)(4) No change.

(5) The receiving pharmacy shall notify prescription drug patrons of the pharmacy by printed notice or signage that a central pharmacy may be involved in the preparation of dispensed prescription drug products.

Specific Authority 465.003, 465.005, 465.0265 FS. Law Implemented 465.003(16), 465.0265 FS. History--New 9-23-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 14, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 5, 2003

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Criteria for the Selection of Consultants
RULE NO.: 64B16-30.004
PURPOSE AND EFFECT: The Board proposes a new rule to establish the criteria to be used in the selection of consultant pharmacists for the Department of Health.

SUMMARY: The proposed new rule sets forth the requirements a pharmacist must meet to act as a consultant to the Department of Health.

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

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

SPECIFIC AUTHORITY: 456.004(8), 465.005 FS.

LAW IMPLEMENTED: 456.004(8) 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.004 Criteria for the Selection of Consultants.

(1) In order to be eligible to act as a pharmacy consultant for the Department of Health (Department) an individual must meet the following criteria:

(a) Five (5) years current continuous practice as a pharmacist;

(b) The capacity to discuss with and enlist the cooperation of other pharmacists and physicians licensed pursuant to Chapters 458, 459, 461, and 462, Florida Statutes, and attorneys, Department investigators, and state law enforcement officials dealing in pharmacy matters;

(c) Not have had a pharmacist or other health care license suspended, revoked, or otherwise disciplined, except that a disciplinary penalty of an administrative fine and/or probationary period only imposed more than five (5) years prior to the licensee's consideration as a consultant shall not disqualify the pharmacist from consideration; and

(d) Not be currently under investigation by the Department, or by any State or Federal Department.

(2) At the time it selects a consultant, the Department will notify the Chair of the Probable Cause Panel, or if applicable, the chair of any other Board committee with an interest in the consultant's duties.

Specific Authority 456.004(8), 465.005 FS. Law Implemented 456.004(8) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 14, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Examination
RULE NO.: 64B19-11.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address the closure of the application file of any applicant.

SUMMARY: A rule will be amended to address the closure of the application file of any applicant.

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

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

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.001 Examination.
(1) through (4)(b) No change.

~~(e) The Board shall close the application file of any applicant who fails to pass both parts of the examination within twenty four (24) months of the Board's letter advising that the applicant has been approved for the examination. The Board shall close the application file of any applicant who fails to submit evidence of completion of the post doctoral supervised experience within twenty four (24) months of the Board's letter advising that the applicant has been approved for the examination.~~

Specific Authority 456.017(1)(b),(c), 490.004(4) FS. Law Implemented 456.017(1)(b),(c),(d), 490.005 FS. History--New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, 1-10-01, 8-5-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 9, 2004

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: RULE NO.:
Rule Governing Time Limits and Conditions for Maintenance of an Active Application File 64B19-11.007

PURPOSE AND EFFECT: The Board proposes to amend the rule to address what evidence should be submitted to the Board before closure of any applicant file.

SUMMARY: A rule will be amended to address what evidence should be submitted to the Board before closure of any applicants file.

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

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

SPECIFIC AUTHORITY: 490.004 FS.

LAW IMPLEMENTED: 490.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.007 Rule Governing Time Limits and Conditions for the Maintenance of an Active Application File.

(1) The Board will close the file of any applicant for licensure by examination who has not submitted evidence of the applicant's completion of the supervised experience within twenty-four (24) months of the Board's letter advising that the applicant has been approved for examination, fails to submit to the Board evidence that the applicant has:

- (a) Completed the required supervised experience; and
- (b) Passed both parts of the examination.

(2) The application of one who fails to take either the examination for which the applicant is initially scheduled or the next subsequent one, shall be closed.

Specific Authority 490.004 FS. Law Implemented 490.005 FS. History--New 1-16-92, Formerly 21U-11.009, Amended 6-14-94, Formerly 61F13-11.009, Amended 1-7-96, Formerly 59AA-11.007, Amended 8-5-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: RULE NO.:
Citations 64B19-17.004

PURPOSE AND EFFECT: The Board proposes to amend the rule to address a requirement for licensee to correct the offense.

SUMMARY: A rule will be amended to address a requirement for licensee to correct the offense.

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

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

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077, 456.072(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.004 Citations.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty. The citation and fine option is available only to first time offenders, and no citation may be issued if more than one offense can be charged in the case. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. In addition to the fine indicated, the licensee shall pay the Department's cost of investigation ~~and prosecution.~~

(1) Violation of Section ~~456.036(1)~~ ~~490.009(2)(d), (e), (n), (o), or (q)~~, F.S., (for practicing on an inactive or delinquent license for less than three months): \$500 fine.

(2) Violation of Section ~~456.036(1)~~ ~~490.009(2)(q)~~, F.S., (for practicing on an inactive license for three to six months): \$1,000 fine.

(3) Violation of Section ~~490.009(1)(u)(2)(v)~~, F.S., (for failing to maintain a client's confidence, except when written permission is obtained or there is an immediate danger where there is no harm caused to the patient): \$500 fine.

(4) Violation of Section ~~490.009(1)(2)(f)~~, F.S., (for maintaining a professional association with a person who may be in violation of the chapter or rule): \$500 fine.

~~(5) Violation of Section 490.009(2)(m), F.S., (for soliciting patients or clients through fraud, intimidation): \$500 fine and reprimand.~~

~~(5)(6)~~ Violation of Section ~~490.009(1)(t)(2)(g)~~, F.S., through a violation of subsection 64B19-13.003(4), F.A.C. (for failing to provide documentation of Continuing Education courses upon request): \$50 per credit hour missing, if documentation of some credits is provided: \$3,000 and a reprimand if no documentation is provided.

~~(6)(7)~~ Violation of Section ~~456.035(1)~~ ~~490.009(2)(q)~~, F.S., (for failing to notify the Board of the licensee's current mailing address and place of practice): \$250 fine.

~~(7)(8)~~ Violation of Section 490.009(1)(t), F.S., (for failing to pay an administrative fine within thirty (30) days after notification of delinquency): 10% of the fine and/or cost of imposed fine and cost (failure to pay citation will result in an administrative complaint).

~~(8)(9)~~ Violation of Section 490.009(1)(d), F.S., (for failing to comply with advertising requirements): \$500 fine.

~~(9)(10)~~ Violation of Section 490.009(1)(n), F.S., (for failing to respond to a written request for a report of examination or treatment): \$500 fine.

~~(10)(11)~~ Violation of Section 490.009(1)(o), F.S., (for failing to respond within 30 days to a written communication from the Department concerning any investigation by the Department or to make available any relevant records with respect to any investigation about the licensee's conduct or background): \$500 fine.

~~(11)(12)~~ Violation of Section 490.012(2), F.S., (for failing to display license): \$100 fine.

~~(12)(13)~~ Issuance of a worthless bank check to the Department or to the Board in violation of Section 490.009(1)(a), F.S.: \$100 fine.

~~(13)~~ Violation of Section ~~456.072(1)(w)~~, F.S., (for failing to report to the Board, in writing within 30 days after the licensee as been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction) where the licensee ultimately reported more than 30 days but fewer than 91 days: \$100 fine.

Specific Authority 456.077 FS. Law Implemented 456.072(4), 456.077 FS. History--New 1-16-92, Amended 4-26-93, Formerly 21U-18.006, 61F13-18.006, Amended 1-9-96, Formerly 59AA-17.004, Amended 11-23-97, 3-25-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
The Florida Fire Prevention Code	69A-60
RULE TITLES:	RULE NOS.:
Title	69A-60.001
Scope; Description of Florida Fire Prevention Code	69A-60.002
Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2003 Edition, Adopted	69A-60.003
Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2003 Edition, Adopted	69A-60.004
Publications Referenced in NFPA 1 and NFPA 101, the Florida 2003 edition, Added to the Florida Fire Prevention Code	69A.60.005
Manufactured and Prototype Buildings Enforcement of the Florida Fire Prevention Code	69A-60.006
Exceptions Applicable to Broward County	69A-60.007
	69A-60.008

PURPOSE AND EFFECT: The purpose of these rule proceedings is the adopt the triennial version of the Florida Fire Prevention Code, as required by Sections 633.0215 and 633.025, Florida Statutes. The effect of the rule proceedings will be to have in place the updated Florida Fire Prevention Code for the three year period beginning January 1, 2005, until the next triennial review.

SUMMARY: These rule provide updated codes and standards for firesafety in almost all buildings and structures throughout the state as required by Sections 633.0215 and 633.025, Florida Statutes. Rule 69A-60.008, F.A.C., "Exceptions applicable to Broward County," is being repealed in its entirety since Broward County will adopt its own amendments. Substantial rewording of Rules 69A-60.003 and 69A-60.004, F.A.C., is necessary because the Florida 2003 editions of NFPA 1 and NFPA 101 will have the text of the State Fire Marshal approved amendments within those documents, rather than as supplemental to the documents as was necessary for the first adoption of these rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 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., June 8, 2004

PLACE: Peterson Building Conference Room, 200 North Kentucky Avenue, Lakeland, Florida

TIME AND DATE: 9:00 a.m., June 9, 2004

PLACE: Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Millicent King, (850)413-3171, no later than 48 hours prior to the meeting or workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-60.001 Title.

No change.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.001.

69A-60.002 Scope; Description of Florida Fire Prevention Code.

(1) Except as ~~provided~~ ~~noted~~ in this section, this rule chapter applies to all buildings and structures throughout the state, including each building and structure located in each municipality, county, and special district with or without firesafety responsibilities.

(2) This rule chapter does not apply to: any municipality, county, or special district which has adopted an amendment to the Florida Fire Prevention Code in full compliance with Sections 633.0215(2), 633.0215(10), or 633.025(4), Florida Statutes, but only to the extent of such amendment. The Florida Fire Prevention Code is in addition to, and is supplemental to, any amendment adopted in accordance with Sections 633.0215(2), 633.0215(10), or 633.025(4), Florida Statutes.

~~(a) Those buildings and structures subject to the uniform firesafety standards under Section 633.022, F.S.~~

~~(b) State owned and state leased buildings and structures within the meaning of Sections 633.022 and 633.085, F.S.~~

~~(c) Buildings and structures subject to the minimum firesafety standards adopted pursuant to Section 394.879, F.S.~~

~~(d) Any county or municipality which has adopted an amendment which complies fully with subsection (10) of Section 633.0215, F.S. (2000), but only to the extent of such amendment.~~

(3)(a) The Florida Fire Prevention Code consists of:

1. National Fire Protection Association (NFPA) 1, the Uniform Fire Prevention Code, Florida 2003 edition, as adopted in Rule 69A-60.003, F.A.C.,

2. NFPA 101, the Life Safety Code, Florida 2003 edition, as adopted and incorporated in Rule 69A-60.004, F.A.C. herein, and their the additions, deletions, and other modifications to NFPA 1 and NFPA 101, Florida 2003 editions, as provided therein, and

3. All codes, standards, publications, and authorities adopted in Rule 69A-60.005, F.A.C. contained in this rule chapter constitute the Florida Fire Prevention Code pursuant to and by authority of Sections 57, 58, and 59, Chapter 98-287, Laws of Florida.

(b) The Florida Fire Prevention Code also consists of all rule chapters adopted pursuant to the authority of Section 633.022, Florida Statutes, and referred to as "uniform rules," or "rules for uniform buildings or structures," to-wit, Rule Chapters:

1. 69A-3, Fire Prevention, General Provisions:

2. 69A-36, Uniform Fire Safety Standards For Child Care Facilities:

3. 69A-38, Uniform Fire Safety Standards for Residential Facilities For Individuals With Developmental Disabilities:

4. 69A-40, Uniform Fire Safety Standards for Assisted Living Facilities:

5. 69A-41, Uniform Fire Safety Standards for Residential Child Care Facilities:

6. 69A-42, Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks:

7. 69A-43, Uniform Fire Safety Standards for Transient Public Lodging Establishments:

8. 69A-44, Minimum Fire Safety Standards For Residential Alcohol And Drug Abuse Treatment And Prevention Programs, Mental Health Residential Treatment Facilities And Crisis Stabilization Units:

9. 69A-47, Uniform Fire Safety Standards for Elevators:

10. 69A-49, Uniform Fire Safety Standards for Self-Service Gasoline Stations:

11. 69A-53, Uniform Fire Safety Standards for Hospitals and Nursing Homes:

12. 69A-54, Uniform Fire Safety Standards for Correctional Facilities:

13. 69A-55, Uniform Fire Safety Standards for Public Food Service Establishments:

14. 69A-56, Uniform Fire Safety Standards for Migrant Labor Camps:

15. 69A-57, Uniform Fire Safety Standards for Adult Family Care Homes; and

16. 69A-58, Uniform Fire Safety Standards for Educational Facilities.

(c) In the event of a conflict between any provision of this rule chapter other than this rule section and the rules cited in paragraph (b), subparagraphs 1. through 15., the rules cited in paragraph (b), subparagraphs 1. through 15. prevail; however, the rules in this rule chapter are not in addition to, nor are they supplemental to, the rule chapters cited in paragraph (b), subparagraphs 1. through 15. Each rule chapter cited in paragraph (b), subparagraphs 1. through 14. contain the complete rules for the subjects covered in those rule chapters.

(d) In the event of a conflict between any provision of this rule chapter and Rule Chapter 69A-58, F.A.C., this rule chapter prevails. The rules in this rule chapter are in addition to, and supplemental to, the rules in Rule Chapter 69A-58, F.A.C.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Formerly 4A-60.001, Amended _____.

(Substantial rewording of Rule 69A-60.003 follows. See Florida Administrative Code for present text.)

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Prevention Code, Florida 2003 Edition, Adopted.

(1) NFPA 1, the Uniform Fire Code, Florida 2003 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 1, Florida 2003 edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) All codes, standards, publications, and authorities adopted and incorporated by reference in this rule chapter are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303 and may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website whose address is <http://www.fldfs.com/SFM/>.

(c) NFPA 1, Florida 2003 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Formerly 4A-60.001, Amended _____.

(Substantial rewording of Rule 69A-60.004 follows. See Florida Administrative Code for present text.)

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2003 Edition, Adopted.

(1) NFPA 101, the Life Safety Code, Florida 2003 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 101, Florida 2003 edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) All codes, standards, publications, and authorities adopted and incorporated by reference in this rule chapter are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303 and may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website whose address is <http://www.fldfs.com/SFM/>.

(c) NFPA 101, Florida 2003 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.004, Amended _____.

69A-60.005 Publications Referenced in NFPA 1 and NFPA 101, the Florida 2003 editions, added Added to the Florida Fire Prevention Code NFPA 1 and NFPA 101.

(1) No change.

(2) The following publications are hereby adopted and incorporated by reference herein and added to the Florida Fire Prevention Code NFPA 1, 2000 edition, and NFPA 101, 2000 edition, respectively, and shall take effect on the effective date of this rule:

NFPA 10, 2002 1998 edition Standard for Portable Fire Extinguishers

NFPA 11, 2002 1998 edition Standard for Low-Expansion Foam

NFPA 11A, 2002 1999 edition Standard for Medium- and High-Expansion Foam Systems

NFPA 12, 2000 edition Standard on Carbon Dioxide Extinguishing Systems

NFPA 12A, 1997 edition Standard on Halon 1301 Fire Extinguishing Systems

NFPA 13, 2002 1999 edition Standard for the Installation of Sprinkler Systems

NFPA 13D, 2002 1999 edition Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

NFPA 13R, 2002 1999 edition Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height

NFPA 14, 2003 2000 edition Standard for the Installation of Standpipe, Private Hydrants, and Hose Systems

NFPA 15, 2001 1996 edition Standard for Water Spray Fixed Systems for Fire Protection

NFPA 16, 2003 1999 edition Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems

NFPA 17, 2002 1998 edition Standard for Dry Chemical Extinguishing Systems

NFPA 17A, 2002 1998 edition Standard for Wet Chemical Extinguishing Systems

NFPA 20, 1999 edition Standard for the Installation of Stationary Pumps for Fire Protection

NFPA 24, 2002 1995 edition Standard for the Installation of Private Fire Service Mains and Their Appurtenances

NFPA 25, 2002 1998 edition Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems

NFPA 30, 2000 1996 edition Flammable and Combustible Liquids Code

NFPA 30A, 2000 1996 edition Automotive and Marine Service Station Code

NFPA 30B, 2002 1998 edition Code for the Manufacture and Storage of Aerosol Products

NFPA 31, 2001 1997 edition Standard for the Installation of Oil-Burning Equipment

NFPA 32, 2000 1996 edition Standard for Dry Cleaning Plants

NFPA 33, 2000 1995 edition Standard for Spray Application Using Flammable and Combustible Materials

NFPA 34, 2000 1995 edition Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids

NFPA 35, 1999 edition Organic Coatings

NFPA 36, 2001 1997 edition Standard for Solvent Extraction Plants

NFPA 37, 2002 1998 edition Combustion Engines and Gas Turbines

NFPA 40, 2001 1997 edition Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film

NFPA 45, 2000 1996 edition Standard on Fire Protection for Laboratories Using Chemicals

NFPA 50B, 1999 edition Standard for Liquefied Hydrogen Systems at Consumer Sites

NFPA 51, 2002 1997 edition Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes

NFPA 51A, 2001 1996 edition Standard for Acetylene Cylinder Charging Plants

NFPA 51B, 1999 edition Standard for Fire Prevention During Welding, Cutting and Other Hot Work

NFPA 52, 2002 1998 edition Compressed Natural Gas (CNG) Vehicular Fuel Systems Code

NFPA 53, 1999 edition Fires in Oxygen Atmospheres

NFPA 54, 2002 1999 edition National Fuel Gas Code

NFPA 55, 2003 1998 edition Compressed and Liquefied Gases in Portable Cylinders

NFPA 57, 2002 1999 edition Liquefied Natural Gas (LNG) Vehicular Fuel Systems Code

NFPA 58, 2001 1998 edition Liquefied Petroleum Gas Code

NFPA 59, 2001 1998 edition Standard for the Storage, and Handling of Liquefied Petroleum Gases at Utility Gas Plants

NFPA 59A, 2001 1996 edition Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)

NFPA 61, 2002 1999 edition Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities

NFPA 69, 2002 1997 edition Standard on Explosion Prevention Systems

NFPA 70, 2002 1999 edition National Electrical Code®

NFPA 72, 2002 1999 edition National Fire Alarm Code®

- NFPA 75, 2003 ~~1999~~ edition Electronic Computing Equipment
- NFPA 80, 1999 edition Standard for Fire Doors and Fire Windows
- NFPA 80A, 2001 ~~1996~~ edition Protection from Exterior Fire Exposures
- NFPA 82, 1999 edition Standard on Incinerators and Waste and Linen Handling Systems and Equipment
- NFPA 86, 1999 edition Standard for Ovens and Furnaces
- NFPA 86C, 1999 edition Standard for Industrial Furnaces Using a Special Processing Atmosphere
- NFPA 86D, 1999 edition Standard for Industrial Furnaces Using Vacuum as an Atmosphere
- NFPA 88A, 2002 ~~1998~~ edition Standard for Parking Structures
- NFPA 88B, 1997 edition Standard for Repair Garages
- NFPA 90A, 2002 ~~1999~~ edition Standard for the Installation of Air-Conditioning and Ventilating Systems
- NFPA 90B, 2002 ~~1999~~ edition Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
- NFPA 91, 1999 edition Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
- NFPA 96, 2001 ~~1998~~ edition Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
- NFPA 99, 2002 ~~1999~~ edition Standard for Health Care Facilities
- NFPA 99B, 2002 ~~1999~~ edition Hypobaric Facilities
- NFPA 101A, 2001 ~~1998~~ edition Guide on Alternative Approaches to Life Safety
- NFPA 110, 2002 ~~1999~~ edition Standard for Emergency and Standby Power Systems
- NFPA 111, 2001 ~~1996~~ edition Standard on Stored Electrical Energy Emergency and Standby Power Systems
- NFPA 115, 1999 edition Laser Fire
- NFPA 120, 1999 edition Standard for Coal Preparation Plants
- NFPA 130, 2000 edition Fixed Guideway Transit System
- NFPA 140, 1999 edition Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
- NFPA 150, 2000 ~~1995~~ edition Racetrack Stables
- NFPA 160, 2001 ~~1998~~ edition Standard for Flame Effects Before an Audience
- NFPA 211, 2003 ~~2000~~ edition Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
- NFPA 214, 2000 ~~1996~~ edition Water Cooling Towers
- NFPA 220, 1999 edition Standard on Types of Building Construction
- NFPA 221, 2000 ~~1997~~ edition Standard for Fire Walls and Fire Barrier Walls
- NFPA 230, 2003 ~~1999~~ edition Standard for the Fire Protection of Storage
- NFPA 231D, 1998 edition Standard for Storage of Rubber Tires
- NFPA 232, 2000 ~~1995~~ edition Standard for the Protection of Records
- NFPA 241, 2000 ~~1996~~ edition Standard for Safeguarding Construction, Alteration, and Demolition Operations
- NFPA 251, 1999 edition Standard Methods of Tests of Fire Endurance of Building Construction and Materials
- NFPA 252, 1999 edition Standard Methods of Fire Tests of Door Assemblies
- NFPA 253, 2000 edition Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
- NFPA 255, 2000 edition Standard Method of Test of Surface Burning Characteristics of Building Materials
- NFPA 256, 1998 edition Standard Methods of Fire Tests of Roof Coverings
- NFPA 257, 2000 edition Standard on Fire Test for Window and Glass Block Assemblies
- NFPA 259, 2003 ~~1998~~ edition Standard Test Method for Potential Heat of Building Materials
- NFPA 260, 1998 edition Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261, 1998 edition Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
- NFPA 265, 2002 ~~1998~~ edition Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Wall Coverings
- NFPA 266, 1998 edition Standard Method of Test for Fire Characteristics of Upholstered Furniture Exposed to Flaming Ignition Source
- NFPA 267, 1998 edition Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Source
- NFPA 286, 2000 edition Standard Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
- NFPA 291, 2002 ~~1995~~ edition Fire Hydrants
- NFPA 299, 2002 ~~1997~~ edition Protection of Life and Property from Wildfires
- NFPA 303, 2000 ~~1995~~ edition Fire Protection Standard for Marinas and Boatyards
- NFPA 307, 2000 ~~1995~~ edition Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 312, 2000 ~~1995~~ edition Standard for Fire Protection of Vessels During Construction, Repair, and Lay-Up
- NFPA 318, 2002 ~~1998~~ edition Standard for the Protection of Cleanrooms
- NFPA 385, 2000 edition Standard for Tank Vehicles for Flammable and Combustible Liquids

- NFPA 395, 1993 edition Farms, Storage of Flammable Liquids
- NFPA 407, 2001 ~~1996~~ edition Standard for Aircraft Fuel Servicing
- NFPA 409, 2001 ~~1995~~ edition Standard on Aircraft Hangers
- NFPA 410, 1999 edition Standard on Aircraft Maintenance
- NFPA 415, 2002 ~~1997~~ edition Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
- NFPA 418, 2001 ~~1995~~ edition Standard for Heliports
- NFPA 430, 2000 edition Code for the Storage of Liquid and Solid Oxidizers
- NFPA 432, 2002 ~~1997~~ edition Code for the Storage of Organic Peroxide Formulations
- NFPA 434, 2002 ~~1998~~ edition Code for the Storage of Pesticides
- NFPA 480, 1998 edition Standard for the Storage, Handling, and Processing of Magnesium Solids and Powders
- NFPA 481, 2000 1995 edition Standard for the Production, Processing, Handling, and Storage of Titanium
- NFPA 482, 1996 edition Standard for the Production, Processing, Handling and Storage of Zirconium
- NFPA 485, 1999 edition Standard for the Storage, Handling, Processing, and Use of Lithium Metal
- NFPA 490, 1998 edition Code for the Storage of Ammonium Nitrate
- NFPA 495, 2001 ~~1996~~ edition Explosive Materials Code
- NFPA 498, 2001 ~~1996~~ edition Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
- NFPA 501, 2003 ~~1999~~ edition Standard on Manufactured Housing
- NFPA 501A, 2003 ~~1999~~ edition Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities
- NFPA 505, 2002 ~~1999~~ edition Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance and Operation
- NFPA 650, 1998 edition Standard for Pneumatic Conveying Systems for Handling Combustible Particulate Solids
- NFPA 651, 1998 edition Standard for the Machining and Finishing of Aluminum and the Production and Handling of Aluminum Powders
- NFPA 654, 2000 ~~1997~~ edition Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
- NFPA 655, 2001 ~~1993~~ edition Standard for Prevention of Sulfur Fires and Explosions
- NFPA 664, 2002 ~~1998~~ edition Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
- NFPA 701, 1999 edition Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
- NFPA 703, 2000 ~~1995~~ edition Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials
- NFPA 704, 2001 ~~1996~~ edition Standard System for Identification of the Hazards of Materials for Emergency Response
- NFPA 750, 2003 ~~2000~~ edition Water Mist Fire Protection Systems
- NFPA 820, 1999 edition Wastewater Facilities
- NFPA 850, 2000 edition Electric Generating Plants
- NFPA 909, 2001 ~~1997~~ edition Standard for the Protection of Cultural Resources, Including Museums, Libraries, Places of Worship, and Historic Properties
- NFPA 1122, 2002 ~~1997~~ edition Code for Model Rocketry
- NFPA 1123, 2000 ~~1995~~ edition Code for Fireworks Display
- NFPA 1124, 2003 ~~1998~~ edition Code for the Manufacture, Transportation, and Storage of Fireworks, and Pyrotechnic Articles
- NFPA 1125, 2001 ~~1995~~ edition Code for the Manufacture of Model Rocket and High Power Rocket Motors
- NFPA 1126, 2001 ~~1996~~ edition Standard for the Use of Pyrotechnics before a Proximate Audience
- NFPA 1127, 2002 ~~1998~~ edition Code for High Powered Rocketry
- NFPA 1142, 2001 ~~1999~~ edition Standard on Water Supplies for Suburban and Rural Fire Fighting
- NFPA 1194, 2002 ~~1999~~ edition Standard for Recreational Vehicle Parks and Campgrounds
- NFPA 1561, 2002 ~~2000~~ edition Standard on Emergency Services Incident Management System
- NFPA 1963, 1998 edition Standard for Fire Hose Connections
- NFPA 2001, 2000 edition Standard on Clean Agent Fire Extinguishing Systems
- NFPA 8503, 1997 edition Standard for Pulverized Fuel Systems
- Standard Fire Prevention Code, Chapter 22, 1997 edition
- Such portions of "The United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," which pertain to meeting firesafety requirements without destroying the historical aspects of the building
- SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, Society of Fire Protection Engineers, Bethesda, Maryland 2000 edition
- The portions of ANSI A14.3-1992 ~~1984~~, Safety Code for Fixed Ladders, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036
- Chapter 4, Accessible Routes, ICC/ANSI A117.1-1998, which may be obtained at American National Standard for Accessible and Usable Buildings and Facilities, American National Standards Institute, 11 West 42nd Street, New York, NY 10036

The portions of ANSI A1264.1-1995, Safety Requirements for Workplace Floor and Wall Openings, Stairs and Railing Systems, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036

ANSI/UL 2079, 1998 edition, Test of Fire Resistance of Building Joint Systems, which may be obtained at Underwriters Laboratories Inc., 333 Pfingsten Rd., Northbrook, IL 60062

The portions of ASME/ANSI A17.1-1993, Safety Code for Elevators and Escalators, including Addenda A17.1a-1994 and A17.1b-1995, and also including Interpretation No. 17, published in 1993, Interpretation No. 18, published in 1994, and Interpretation No. 19, published in 1995, which pertain to firesafety, and which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

The portions of ASME/ANSI A17.3-~~2002~~ 1993, Safety Code for Existing Elevators and Escalators, ~~including Addenda A17.3a-1994 and A17.3b-1995, which pertain to firesafety and~~ which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

ASTM D 2898,-94, (Reapproved 1999), Test Method for Accelerated Weathering of Fire Retardant-Treated Wood for Fire Testing, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 136-1999, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1537, 1999 edition, Standard Test Method for Fire Testing of Upholstered Furniture, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1590-01, Standard Test Method for Fire Testing of Mattresses, American Society for Testing and Materials, which may be obtained at 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1591-00, Standard Guide for Obtaining Data for Deterministic Fire Models, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM F 851-1987 (Reapproved 1991), Standard Test Method for Self-Rising Seat Mechanisms, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, but only to the extent referenced in Subdivision 12.2.5.5.1 and 12.2.5.5.2 of NFPA 101, 2000 edition

BHMA/ANSI A-156.19-1997, American National Standard for Power Assist and Low Energy Power Operated Doors, which may be obtained at Buildings Hardware Manufacturers Association, 355 Lexington Avenue, 17th Floor, New York, NY 10017-6603

16 Code of Federal Regulations, Part 1632 which may be obtained by contacting the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342

UL 924, Standard for Safety Emergency Lighting and Power Equipment, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

UL 1975, Standard for Fire Tests for Foamed Plastics Used for Decorative Purposes, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

(3) No change.

~~(4) The 1997 edition of the Standard Fire Prevention Code may be obtained by writing the Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213-1206. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.~~

~~(4)(5) The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings may be obtained by writing the Florida Department of State, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.~~

~~Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Formerly 4A-60.001, Amended _____.~~

69A-60.006 Manufactured and Prototype Buildings.

No change.

~~Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Amended 9-8-02, Formerly 4A-60.006.~~

69A-60.007 Enforcement of the Florida Fire Prevention Code.

~~(1) Section 633.025, F.S., provides that each municipality, county, and special district with firesafety responsibilities is required to enforce the Florida Fire Prevention Code. Such enforcement requires inspection of each new building subject to the Florida Fire Prevention Code and includes periodic inspections of each existing building subject to the Florida Fire Prevention Code.~~

(2) The Florida Fire Prevention Code contains several provisions and requirements that may interrelate with the Florida Building Code. It is not the intent of the Florida Fire Prevention Code that such interrelation result in duplicate reviews and inspections by either the firesafety official or the building official. The authority having jurisdiction over firesafety is responsible for enforcement of the Florida Fire Prevention Code hereof and should discharge its obligation in a manner that does not expose those regulated to unnecessary or unnecessarily expensive duplication of effort. To that end, the authority having jurisdiction over firesafety is directed to clearly delineate responsibility for enforcement of the Florida Fire Prevention Code hereof, and, in the event that a dispute arises regarding the enforcement of the Florida Fire Prevention Code as related to the enforcement of the Florida Building Code, the authority having jurisdiction over firesafety shall resolve the dispute by the procedures set forth in Chapter 633 and Chapter 553, Florida Statutes, as required by Section 633.01, Florida Statutes.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.001, Amended _____.

69A-60.008 Exceptions Applicable to Broward County.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.008, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2004

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Death Benefits
RULE CHAPTER NO.: 69A-64

RULE TITLE: Adjustments to Reflect Consumer Price Index
RULE NO.: 69A-64.005

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2004-2005.

SUMMARY: This rule adopts new benefits for the one year period from July 1, 2004, through June 30, 2005, based on the Consumer Price Index, as required by Section 112.191, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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: 112.191 FS.

LAW IMPLEMENTED: 112.191 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., June 7, 2004

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

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Kimberly Riordan, (850)413-3607, no later than 48 hours prior to the meeting or workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment. The amounts payable for the period from July 1, ~~2004~~ ~~2003~~ through June 30, ~~2005~~ ~~2004~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2004~~ ~~2003~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$52,375.50~~ ~~\$51,138~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$52,375.50~~ ~~\$51,138~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$157,126.50~~ ~~\$153,415~~.

(2) No change.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-22	Contractors – Highway Qualification to Bid
RULE NOS.:	RULE TITLES:
14-22.002	Regulations Covering Qualification of Contractors
14-22.0041	Procedure for Qualification and Issuance of Certificate of Qualification
14-22.005	Period of Validity of Qualification
14-22.015	Forms

NOTICE OF CHANGE

SUMMARY OF CHANGES: The following changes are in response to a review by the Joint Administrative Procedures Committee:

1. Paragraph 14-22.002(1)(h), F.A.C., is changed to delete the existing sentence of the section, keeping only the newly proposed sentence so that the section reads as follows:

“(h) The Department shall act upon the application for qualification within 30 days after the Department determines that the application is complete. In those instances when the Department requests additional information, the Department shall process the application within 30 days after timely receipt of the requested additional information or correction of errors or omissions.”

2. Subsection 14-22.0041(2), F.A.C., is changed to delete the entire (2)(a). Because of the deletion of (2)(a), the “(b)” subsection designation also is deleted so that the current (2)(b) is included in under (2) itself. The revised section reads as follows:

“(2) Certificate of Qualification. ~~(a) Within 30 days after receipt of a complete application for qualification, the Department shall examine the application and grant a Certificate of Qualification, or issue an intent to deny the application.~~ (b) The Certificate of Qualification shall state the applicant’s Maximum Capacity Rating, the class or classes of work approved for bidding, the applicants’s name for submitting bids and the expiration date of the qualification.”

3. Subsection 14-22.005(1), F.A.C., is changed to delete the second proposed sentence and inserting a new sentence relating to the definition of “good cause” so the section will read as follows:

“(1) The applicant’s period of qualification shall ~~be 18 not exceed 16~~ months from the ending date ~~represented by~~ of the audited annual financial statements ~~or audited interim financial statements~~ included in the application. For good cause, the Department will approve a period of qualification less than 18 months. Good cause shall mean as defined in Rule 14-22.0141, F.A.C. An applicant must submit a new application 30 days prior to the expiration of ~~its~~ ~~their~~ current Certificate of Qualification to ensure no interruption in ~~its~~ ~~their~~ qualification to bid. The Certificate of Qualification shall expire no later than the expiration date of the certificate, regardless of whether or not a hearing has been requested concerning the Department’s action on the application. Submission of an application shall not affect expiration of the Certificate of Qualification.”

4. Form 700-010-25 Contractor’s Past Performance Report, incorporated by reference under Rule 14-22.015, F.A.C., is changed as follows:

a. Page 2 of 7, Note 4., first line: Change “(4 points)” to “(6 points).”

b. Page 3 of 7, Note 8.: Change the last sentence as follows: “The Department’s ~~will standard weather letter should be used to document~~ communicate performance progress in categories # 1,4, and 8 on a monthly basis.”

c. Page 4 of 7, 1. Pursuit of The Work: Delete in its entirety, the last sentence, which relates to a discretionary decision by the Engineer.

Notice was published in Florida Administrative Weekly, Vol. 30 , No. 14, April 2, 2004, Pages 1353-1366.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201
 RULE TITLE: Inmate Property

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 9, (February 27, 2004), and Vol. 30, No. 14, (April 2, 2004) issue of the Florida Administrative Weekly:

- 33-602.201 Inmate Property.
- (1) through (17) No change.

**APPENDIX ONE
 PROPERTY LIST**

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as “exemptions”, property received must be in compliance with this list. Inmates in possession of previously approved property which meets the description of property on the list shall be allowed to retain the property.
 Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Items found in the possession of an inmate that are in excess of the established “quantity” shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.
 Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose

- Nail clippers larger than 2-1/2”

**AUTHORIZED PROPERTY LIST
 CLOTHING**

Quantit	Unit	Value	Articles
y			
1	each		Athletic Bra(canteen – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or canteen – female only)
1	each		Coat (state issue)
3	each		Dresses (state issue – female only)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (canteen)
1	each		Hats (state issue)
2	pair		Pajamas-long (state issue or canteen) Light blue or white – female only
7	each		Light blue – male
			Panties (state issue or canteen – female only)
3	each		Pants (state issue)
1	each		Raincoat or Poncho – clear (state issue or canteen)
1	each		Robe (state issue – female only)
3	each		Shirt, outer (state issue)
4	each		Shirt, T-Shirt (state issue or canteen order – gray for female, white for male)*inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.
1	pair		Shoes, Athletic (canteen)
1	pair		Shoes, Work (state issue)
2	each		Shorts, athletic (navy blue) (canteen)
1	each		Shower cap, clear only (female only) (canteen)
1	pair		Shower slides (canteen)
3	each		Slips (state issue – female only)
6	pair		Socks (state issue or canteen)
1	each		Supporter, athletic (male only)(canteen)
2	each		Sweatshirts (gray only) (canteen order)
4	each		Undershorts (male only) (state issue or canteen)
2	each		Underwear, thermal (state issue or canteen)

PERSONAL ARTICLES

Quantit	Unit	Value	Articles
y			
Number			Batteries (canteen)
in use			
25	each		Roller clips – plastic only (females only), (canteen)

*		Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.	1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
1	package	Breath tablets (canteen)			Feminine hygiene products (internal and external) (female only) (state issue or canteen)
1	each	Calendar, as specified by Rule 33-501.401, F.A.C.	1	box	File Folders (*limited by storage space)
*		Canteen purchases –* limited by approved storage space;	*		Hairbrush – nonmetal, handles for females only (canteen)
1	Set	Checkers (light wood or plastic, standard checkers only (canteen order)	1	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit, bleaching cream – female only) (no aerosols) (canteen)
1	set	Chess (light wood or plastic, 2 inches max. height) (canteen order)	2	each	Hair net (female only) (canteen)
1	each	Coffee mug – plastic (canteen)	1	each	Hair rollers (female only) (canteen)
1	each	Comb-pocket type, no handles (non-metal) (state issue or canteen)	25	each	Handballs or racketballs (canteen)
*		Correspondence – * limited by storage space limitations.	2	each	Headphones for use with radio (canteen)
1	pack	Cotton swabs (plastic or paper stems only) (canteen)	1	each	Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochlorida compounds (canteen - as approved by health services)
2	each	Crème rinse and conditioner (canteen)			Hearing aid (state issue or personal)
1	each	Cup, drinking – plastic (canteen)	2	each	Hobby craft – at locations where program exists and subject to storage space limitations
1	package	Dental floss, (floss loops only), unwaxed (canteen)	*		Insect repellent (canteen)
1	each	Denture adhesive (state issue or canteen)			Jigsaw puzzle (canteen order)
1	each	Denture cup (canteen order)	1	each	Laundry bag (state issue)
2	each	Deodorant and antiperspirant (no aerosols) (canteen)	1	each	Lighter, disposable (approved type) (canteen)
1	set	Domino (light wood or plastic, standard size) (canteen order)	1	each	Lip balm (canteen)
1	pair	Earphone pads (replacement) (canteen order)	1	each	Locks, combination (V68 series) (canteen)
1	pair	Ear rings, post type (female only) (canteen order)	1	each	Make-up bag, clear only (female only) (canteen)
*		Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course.)	1	each	Mirror – plastic, non-breakable, 5 x 7" max. (canteen)
1	pack	Emery board – cardboard (canteen)	1	each	Moisturizer - no mineral oils, no Vaseline (canteen)
1	pack	Envelopes – legal and oversized (canteen)	1	each	Mouthwash (canteen)
*	each	Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack.	1	each	Nail clippers, not to exceed 2 1/2" (canteen)
2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated.	2	pack	Notebook paper (canteen)
			4	each	Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers (canteen)
			*		Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
			1	each	Photo album, non-metal (canteen)
			50	each	Photographs (personal)
			2	decks	Playing cards (standard) (canteen)

5	Each		Pony tail holder (fabric) or hair claws (plastic) (female only)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			Prosthesis – * as approved by health services
1	each	50.00	Radio, DC/AM/FM only, “Walkman” type, maximum 4 x 5" (canteen)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (canteen order)
*			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
1	Each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	Each	100.00	Ring, engagement (personal, female only)
1	Each	100.00	Ring, wedding(personal)
1	each		Roller cap, clear only (female only) (canteen)
1	set		Scrabble (canteen order)
2	each		Shampoo (canteen)
1	each		Shaving cream (canteen)
1	each		Shaving powder (canteen)
1	pair		Shoe laces (canteen)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
2	each		Soap, bath (state issue or canteen)
1	each		Soap dish (canteen)
1	each		Soap, laundry (female only) (canteen)
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic (canteen)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
1	each		Sunglasses, no mirror type (canteen)
1	each		Sunscreen lotion (canteen)
1	each		Talcum powder (canteen)
1	each		Toothbrush (state issue or canteen)
1	each		Toothbrush holder (canteen)
2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
2	each		Towels (state issue)
1	each		Wallet (canteen)
1	each	50.00	Watch (personal or canteen)
1	each		Watch band (nylon and Velcro only) (canteen)
2	each		Washcloths (state issue or canteen)

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.007 RULE TITLE: Standards and Specifications

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.020 RULE TITLE: Purchasing Districts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.062 RULE TITLE: Use of the Term “No Substitute”

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.072 RULE TITLE: Public Records and Openings; Temporary Exemptions; Trade Secrets

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.081 RULE TITLE: Installment Sale and Refinancing

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.082 RULE TITLE: Lease Cancellation Clause

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: RULE TITLE:
64B-4.003 Office Surgery: Registration
 Requirements, Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 11, March 12, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1)(b) of Rule 64B-4.003, F.A.C., shall now read as follows:

(1)(b) Each office shall be registered in accordance with Rule 64B8-9.0091, F.A.C., Requirement for Physician Office Registration; Inspection or Accreditation for medical physicians or Rule 64B15-14.0076, F.A.C., Requirement for Osteopathic Physician Office Registration: Inspection or Accreditation for osteopathic physicians.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Crystal List, Program Operations Administrator, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399

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 CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 12, March 19, 2004, of the Florida Administrative Weekly. These changes are being made to address concerns expressed, and to address concerns raised by the Joint Administrative Procedures Committee.

69L-7.602 Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule Procedures for Non-Hospital Medical Services.

(1) Definitions. As used in this rule:

(a) "Accurately Complete" or "Accurately Completed" means the form submitted contains the information necessary to meet the requirements of Chapter 440, F.S. and this rule "Carrier is defined in Section 440.13(1)(c), Florida Statutes.

(b) "Agency" means the Agency for Health Care Administration as Division is defined in Section 440.02(3)(42), F.S Florida Statutes.

(c) "Billing" means the process by which a health care provider submits a claim to an insurer to receive reimbursement for medical services provided to an injured employee "Emergency services and care" is defined in Section 395.002(9), Florida Statutes.

(d) "Catastrophic Event" means the occurrence of an event outside the control of an insurer or submitter, such as a natural disaster, an act of terrorism (including but not limited to cyber terrorism) or a telecommunications failure, in which recovery time will prevent an insurer or submitter from meeting the filing and reporting requirements of Chapter 440, F.S., and this rule "Physician" is defined in Section 440.13(1)(r), Florida Statutes.

(e) "Charges" means the dollar amount billed. "Health care provider" means a physician or any recognized practitioner who provides skilled services pursuant to a prescription or under the supervision or direction of a physician and who has been certified by the division as a health care provider. The term "health care provider" includes a health care institution licensed under Chapter 400, Florida Statutes, but does not include any hospital licensed under Chapter 395, Florida Statutes.

(f) "Charge Master" means a comprehensive coded list developed by a hospital or an ambulatory surgical center representing its usual charges for specific services "Health care facility" means any health care institution licensed under Chapter 400, Florida Statutes, but does not include any hospital licensed under Chapter 395, Florida Statutes.

(g) "Claims-Handling Entity File Number" means the number assigned to the claim file by the insurer, service company or third party administrator for purposes of internal tracking.

(h) "Current Dental Terminology (CDT-4)" (CDT) means the American Dental Association's reference document containing descriptive terms to identify codes for billing and reporting dental procedures.

(i) "Date Insurer Paid" means the date the insurer, service company, third party administrator or submitter mails, transfers or electronically transmits payment to the health care provider.

(j) "Date Insurer Received" means the date that a Form DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or the electronic form equivalent is delivered to, and date stamped by, the insurer, service company, third party administrator or submitter from a provider.

(k) “Deny” means to determine that no payment is to be made for a specific procedure code or other service reported by a health care provider to an insurer on a bill.

(l) “Division” means the Division of Workers’ Compensation as defined in Section 440.02(14), F.S.

(m) “Disallow” means to determine that no payment is to be made for a specific procedure code or other service reported by a health care provider to an insurer for reimbursement, based on identification of a billing error, inappropriate utilization or over utilization, use of an incorrect billing form, only one line-item billed and the bill has an invalid code, or required information is missing or illegible.

(n) “Electronic Filing” means the computer exchange of medical data from a submitter to the division in the standardized format defined in the Florida Workers’ Compensation Medical EDI Implementation Guide, 2004.

(o) “Electronic Form Equivalent” means the format provided in the Florida Workers’ Compensation Medical EDI Implementation Guide, 2004, to be used when a submitter electronically transmits required data to the division. Electronic form equivalents do not include transmission by facsimile, data file(s) attached to electronic mail, or computer-generated paper-forms.

(p) “Electronically Filed with the Division” means the date an electronic filing has been received by the division and has successfully passed structural and data-quality edits.

(q) “Explanation of Bill Review” (EOBR) means the codes and written explanation of an insurer’s reimbursement decision sent to the health care provider.

(r) “Florida Workers’ Compensation Medical EDI Implementation Guide, 2004” is the Florida Division of Workers’ Compensation’s reference document containing the specific electronic formats and data elements required for insurer reporting of medical data to the division.

(s) “Healthcare Common Procedure Coding System National Level II Codes (HCPCS)” (HCPCS) means the Centers for Medicare and Medicaid Services’ (CMS) reference document listing descriptive codes for billing and reporting professional services, procedures, and supplies provided by health care providers.

(t) “Health Care Provider” is defined in Section 440.13(1)(h), F.S.

(u) “Hospital” means any health care institution licensed under Chapter 395, F.S.

(v) “ICD-9-CM International Classification of Diseases” (ICD-9) is the U.S. Department of Health and Human Services’ reference document listing the official diagnosis and inpatient-procedure code sets.

(w) “Insurer” is defined in Section 440.02(38), F.S.

(x) “Insurer Code Number” means the number the division assigns to each individual insurer, self-insured employer or self-insured fund.

(y) “Itemized Statement” means a detailed listing of hospital provided services and supplies, including the quantity and charges for each service or supply.

(z) “Medical Summary Report” means an Excel spreadsheet format that denotes an insurer, service company or third party administrator payment, adjustment and payment, disallowance or denial information.

(aa) “Medically Necessary” or “Medical Necessity” is defined in Section 440.13(1)(l), F.S.

(bb) “NDC number” means the National Drug Code (NDC) number, assigned under Section 510 of the Federal Food, Drug, and Cosmetic Act, that identifies the drug product labeler/vendor, product, and trade package size.

(cc) “Paper-Form Filed with the Division” means the date a paper document is accurately completed, postmarked and mailed pre-paid to the Department of Financial Services as a required filing under this rule.

(dd) “Physician” is defined in Section 440.13(1)(q), F.S.

(ee) “Physician’s Current Procedural Terminology (CPT®)” (CPT) means the American Medical Association’s reference document (HCPCS Level I) containing descriptive terms to identify codes for billing and reporting medical procedures and services.

(ff) “Principal Physician” means the treating physician responsible for the oversight of medical care, treatment and attendance rendered to an injured employee, to include recommendation for appropriate consultations or referrals.

(gg) “Report” means any form related to medical services rendered, in relation to a workers’ compensation injury, that is required to be filed with the division under this rule.

(hh) “Service Company/Third Party Administrator (TPA)” means an entity which has contracted with an insurer for the purpose of providing all services necessary to adjust workers’ compensation claims on the insurer’s behalf.

(ii) “Service Company/Third Party Administrator (TPA) Code Number” means the number the division assigns to each third party administrator, claims administrator or servicing company.

(jj) “Submitter” means an insurer, service company or third party administrator (TPA), or any entity acting as an agent or vendor on behalf of an insurer, service company or third party administrator, to electronically transmit required medical data to the division.

(kk) “UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee, May 2004” (UB-92 manual) is the reference document providing billing and reporting completion instructions for the Form DFS-F5-DWC-90 (HCFA-1450/UB-92).

(2) Forms for Medical Billing, Filing and Reporting Emergency Services and Care.

(a) Form DFS-F5-DWC-9 (CMS -1500 Health Insurance Claim Form, Rev. 12/90), Form DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form, Rev. 03/2004), Form DFS-F5-DWC-11 (American Dental Association Dental Claim Form, Rev. 2002), Form DFS-F5-DWC-25 (Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form, 03/2004) and Form DFS-F5-DWC-90 (HCFA-1450 Hospital Uniform Bill/UB-92, Effective 1992) and completion instructions for these forms are hereby incorporated by reference into this rule. In all cases in which a health care provider provides emergency services and care, the health care provider shall notify the carrier by the close of the third business day after providing such emergency services and care. If the emergency services and care results in admission of the employee to a health care facility, the health care provider shall notify the carrier of same within the 24 hours after initial treatment; or if the carrier is not open for business within that 24 hour period, then within the next 24 hour period of the time that the carrier is open for business.

1. A copy of the Form DFS-F5-DWC-9 can be obtained from the CMS web site: <http://cms.hhs.gov/forms/>. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

2. A copy of the Form DFS-F5-DWC-10 and completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

3. A copy of the Form DFS-F5-DWC-11 can be obtained by contacting the American Dental Association. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

4. A copy of the Form DFS-F5-DWC-25 can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

5. A copy of the Form DFS-F5-DWC-90 can be obtained from the CMS web site: <http://cms.hhs.gov/forms/>. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

(b) In lieu of submitting a Form DFS-F5-DWC-10, when billing for drugs or medical supplies, alternate billing forms are acceptable if The health care provider shall maintain or be able to generate a written record of the above communications, including:

1. An insurer has approved the alternate billing form(s) prior to submission by a health care provider, Date; and

2. The form provides all information required on the Form DFS-F5-DWC-10 – Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be submitted as an alternate form.

3. Identity of person sending the communication; and Identity of person sending the communication; and

4. Identity of person or entity receiving the communication; and

5. The mode or method of communication; and

6. The substance of the communication.

(3) Materials Adopted for Reference. The following publications are incorporated by reference herein: Medical bills submitted under the Health Care Provider Reimbursement Schedule, the Ambulatory Surgical Center Reimbursement Schedule, or the Work Hardening or Pain Program Reimbursement Schedule, which schedules are contained within the manuals adopted by reference in Rules 69L-7.020, 69L-7.100 and 69L-7.900, F.A.C., respectively, shall comply with the requirements of this rule.

(a) UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee (Rev. May 2004). A copy of this manual can be obtained from the Florida Hospital Association Responsibilities of Health Care Providers.

1. Form DWC-8, known as "Notification of Initial Treatment," shall be furnished by the physician, but not by other health care providers, to the carrier within three business days following the injured employee's first treatment. This notice, which may be furnished by facsimile transmission, shall contain the injured employee's identifying information, the date of first visit, preliminary diagnosis, and initial plan of treatment, the injured employee's work status and date of next appointment, the physician's name and DBPR identification number.

2. Providers of medical services shall submit to the carrier a properly completed bill, form DWC-9, known as "Health Insurance Claim Form," or form DWC-11, known as "Dental Health Claim Form," as follows:

a. Within 15 calendar days following the first treatment, accompanied by all medical notes, reports or records.

b. At least every 21 calendar days thereafter for follow-up treatment.

c. Within 21 calendar days following the date of maximum medical improvement.

(b) The Florida Workers' Compensation Medical EDI Implementation Guide, 2004. The Florida Workers' Compensation Medical EDI Implementation Guide, 2004 can be obtained from the DFS/DWC web site: http://www.fldfs.com/WC/edi_med.html Responsibilities of Carriers.

1. Carriers shall accept, date stamp on the document front side upon receipt, and within 45 calendar days of receipt pay or deny a legible and complete medical services bill.

2. Carriers shall submit the billing form, DWC-9 or DWC-11, to the Division within 30 calendar days, after the bill has been paid. The filing of bills includes the filing of bills for "lost time" and "medical only" cases.

3. Carriers shall retain any attachment submitted with a DWC-9 or DWC-11, and shall not file any attachment with the Division unless specifically requested.

(c) The Healthcare Common Procedure Coding System National Level II Codes (HCPCS), Centers for Medicare and Medicaid Services, Copyright 2003, American Medical Association.

(d) The Physicians' Current Procedural Terminology (CPT®), Copyright 2003, American Medical Association.

(e) The Current Dental Terminology (CDT-4), Fourth Edition, Copyright 2002, American Dental Association.

(f) The ICD-9-CM International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2003, American Medical Association.

(g) The American Medical Association's Guide to the Evaluation of Permanent Impairment, 3rd Edition, (AMA Guide) (Copyright 1988 by the American Medical Association), as incorporated in Rule 69L-7.604, F.A.C.

(h) The Minnesota Department of Labor and Industry Disability Schedule, as incorporated in Rule 69L-7.604, F.A.C.

(i) The Florida Impairment Rating Guide, as incorporated in Rule 69L-7.604, F.A.C.

(j) The 1996 Florida Uniform Permanent Impairment Rating Schedule, as incorporated in Rule 69L-7.604, F.A.C.

(4) Health Care Provider Responsibilities Pharmacy and Medical Supplier Bills.

(a) Insurers and providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of the injured employee's medical treatment /status. Any other reporting forms may not be used in lieu of or supplemental to the Form DFS-F5-DWC-25. Responsibilities of Pharmacists and Medical Suppliers.

1. The Form DFS-F5-DWC-25 does not replace physician notes, medical records or division-required medical billing reports. All pharmacists and medical suppliers who furnish drugs or other medical supplies to an injured worker under the provisions of Chapter 440, Florida Statutes, shall bill the carrier on form DWC-10, known as "Statement of Charges for Drugs and Medical Supplies," or on the pharmacist/medical suppliers' usual billing form. Pharmacist/medical suppliers' usual billing form shall contain all the information required on the DWC-10 and shall not be used for billing purposes until approved by the Division.

a. Required information for pharmacists and medical suppliers includes:

- i. The employer's name and address; and
- ii. The injured employee's name and social security number; and
- iii. The date of accident; and
- iv. The carrier's name and address if the employer is not self insured; and
- v. The carrier's case file number, if known; and
- vi. The name and address of the pharmacy or other supplier; and
- vii. The date of the billing; and

viii. The total charges of billing form; and

ix. The identity of the pharmacist or medical supplier.

b. Required information for pharmacists billing for prescribed drugs includes: dispensing date, new or refill, prescription number, medication name and strength, National Drug Control (NDC) number, quantity dispensed, number of days supplied, reason for use of non generic drug when applicable, prescribing physician's name and DBPR license number, and usual charge for each medication billed.

e. Required information for pharmacists or medical suppliers billing for medical supplies includes: description of the product or supply, quantity, name(s) of prescribing physician(s) and DBPR license number(s), purchase date and usual charge for each item billed.

2. All information submitted on physician notes, medical records or division-required medical billing reports must be consistent with information documented on the Form DFS-F5-DWC-25. Pharmacists and medical suppliers shall use the applicable Florida Workers' Compensation Reimbursement Manual for instructions in the completion of the pharmacy and medical supply bills.

3. Pharmacists and medical suppliers shall submit a bill within 30 calendar days of the date the service was provided.

(b) Special Billing Requirements Responsibilities of Carriers.

1. When anesthesia services are billed on a Form DFS-F5-DWC-9, completion of the form must include the CPT code and the "P" code (physical status modifier), which correspond with the procedure performed, in Field 24D. Anesthesia health care providers shall enter the date of service and the 5-digit qualifying circumstance code, which correspond with the procedure performed, in Field 24D on the next line, if applicable. Carriers shall accept, date stamp upon receipt and within 30 calendar days of receipt pay or deny a legible and complete pharmacy or medical supplier bill.

2. When an Advanced Registered Nurse Practitioner (ARNP) provides services as a Certified Registered Nurse Anesthetist, he/she shall bill on a Form DFS-F5-DWC-9 for the services rendered and enter his/her Florida Department of Health license number in Field 33, regardless of the employment arrangement under which the services were rendered, or the party submitting the bill. Carriers shall submit the DWC-10 or other billing form or invoice containing the required information in their case file to the Division within 30 calendar days after the bill has been paid.

3. When a licensed physician or licensed non-physician healthcare provider, including physician assistant or ARNP (not providing an anesthesia-related service) renders direct billable services for which reimbursement is sought from an insurer, he/she shall enter his/her Florida Department of Health license number in Field 33 on the Form DFS-F5-DWC-9, regardless of the employment arrangement under which the services were rendered or the party submitting the bill.

4. For hospital billing, the following special requirements apply:

a. Inpatient billing – Hospitals shall, in addition to filing a Form DFS-F5-DWC-90, attach an itemized statement with charges based on the facility’s Charge Master.

b. Outpatient billing:

I. Hospitals shall enter the CPT, HCPCS, or unique workers’ compensation code (provided in the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2004), in Locator 44 on the Form DFS-F5-DWC-90, to bill treatments.

II. Hospitals shall enter the date of service on Form DFS-F5-DWC-90, in Locator 45, for outpatient billing.

III. Hospitals shall bill supplies by filing a Form DFS-F5-DWC-90 and attaching an itemized statement with charges based on a facility’s Charge Master if there is no line item detail shown on the Form DFS-F5-DWC-90.

5. Licensed physician assistants and certified first nurse assistants who provide surgical assistance on procedures with codes permitting an assistant surgeon-physician shall bill on a Form DFS-F5-DWC-9 entering the CPT code(s) plus modifier(s), which represent the service(s) rendered, in Field 24D, and must enter their Florida Department of Health license number in Field 33.

6. Ambulatory Surgical Centers (ASCs) shall bill on a Form DFS-F5-DWC-9.

7. Federal Facilities shall bill on their usual form.

8. Dental Services.

a. Dentists shall bill for services on a Form DFS-F5-DWC-11.

b. Oral surgeons shall bill for oral and maxillofacial surgical services on a Form DFS-F5-DWC-9. Non-surgical dental services shall be billed on a Form DFS-F5-DWC-11.

9. Pharmaceutical and Medical Supplies.

a. Pharmacists and medical suppliers shall bill on a Form DFS-F5-DWC-10 or on an insurer pre-approved alternate form. Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be submitted as an alternate form.

b. Pharmacists shall complete Field 9, on a Form DFS-F5-DWC-10, by entering the word “COMPOUND” when medicinal drugs are compounded and the formulation prescribed is not commercially available.

c. Dispensing physicians shall bill on a Form DFS-F5-DWC-9 when supplying commercially available medicinal drugs (commonly known as legend or prescription drugs) and shall enter the NDC number in Field 24D. When administering or supplying injectable drugs the physician shall bill on a Form DFS-F5-DWC-9 and enter the appropriate HCPCS “J” code in Field 24D.

d. Dispensing physicians shall complete Field 24D, on a Form DFS-F5-DWC-9, by entering the unique workers’ compensation code 96371 when medicinal drugs are compounded and the formulation prescribed is not commercially available.

e. Dispensing physicians shall bill by entering code 99070 in Field 24D, on a Form DFS-F5-DWC-9, when supplying over-the-counter drugs and shall submit an invoice indicating the name, dosage, package size and cost of the drug.

f. Physicians and other licensed health care providers providing medical supplies shall bill on a Form DFS-F5-DWC-9 and attach an invoice indicating the cost of the supply, including shipping and handling and taxes, when applicable.

10. Health care providers rendering health care services reimbursable under workers’ compensation, whose billing requirements are not otherwise specified in this rule, shall bill on their invoice or business letterhead.

(c) Bill Completion.

1. Bills shall be legibly and accurately completed by all health care providers, regardless of location or reimbursement methodology, as set forth in this paragraph.

2. Billing elements required by the division to be completed by a health care provider are as follows:

a. Physician and Non-Physician/Certified Provider Billing – Form DFS-F5-DWC-9.

(I) Field 1a Injured employee’s Social Security Number or division-assigned number (obtained from the Insurer).

(II) Field 2 Injured employee’s name: Last, First, Middle initial, if applicable.

(III) Field 14 Date of current accident, illness or injury.

(IV) Field 16 Dates injured employee is unable to work, as applicable.

(V) Field 21(1) Diagnosis of primary injury or illness (Include decimal in ICD-9 code, as applicable).

(VI) Field 21 (2-4) Additional diagnoses (Include decimal in ICD-9 code, as applicable).

(VII) Field 24A Date(s) of service: ‘From’ and ‘To’ date. Multiple dates of service are billable on a single line only if the dates are consecutive. If there is a single date of service, enter the same date in both ‘From’ and ‘To’ fields.

(VIII) Field 24B Place of service (as listed in the CPT manual).

(IX) Field 24D Procedure, service or supply code (CPT, CDT-4, HCPCS, NDC or unique workers’ compensation code plus modifier, as required for reimbursement).

(X) Field 24E Diagnosis code reference numbers: ‘1’, ‘2’, ‘3’, ‘4’ refer to corresponding diagnoses listed in Field 21 (1, 2, 3, 4).

(XI) Field 24F Total dollar charges for units billed per line.

(XII) Field 24G Number of days, hours, units, or quantity of drug or supply must be entered in whole numbers. Total length of anesthesia service time must be entered in minutes.

(XIII) Field 25 Federal tax identification number.

(XIV) Field 32 Zip code where services were rendered.

(XV) Field 33(PIN#) License number of the health care provider rendering direct billable service(s). Providers shall enter their Florida Department of Health provider license, out of state license or other facility number as assigned by the professional regulatory board, licensing authority or state regulatory agency.

(A) Work Hardening/Pain Programs enter "WC" for required alpha characters (i.e. WC#####).

(B) Ambulatory Surgical Centers enter "ASC" for required alpha characters (i.e. ASC### or ASC####).

(C) Independent Laboratories enter "IL" for required alpha characters (i.e. IL8000#####, IL80000##### or IL800000####).

(D) Advanced Registered Nurse Practitioners enter "ARNP" for required alpha characters (i.e. ARNP##### or ARNP##### or ARNP#####).

(E) Radiology or Other Facilities (providing only the technical component) enter "XX" for required alpha characters and 9999999999 for required numeric characters (i.e. XX9999999999).

b. Pharmaceutical/Medical Supplier Billing – Form DFS-F5-DWC-10.

(I) Form DFS-F5-DWC-10 Section 1 – Fields required to be completed by Pharmacy and Medical Supply providers:

(A) Field 1 Injured employee's name: Last, First, Middle Initial, if applicable.

(B) Field 2 Injured employee's Social Security Number or division-assigned number (obtained from the insurer).

(C) Field 3 Date of current accident, injury or illness in MM/DD/CCYY format.

(II) Form DFS-F5-DWC-10 Section 2 – Fields required to be completed by pharmacy providers only:

(A) Field 6 Medication/drug name and strength.

(B) Field 7 Number of tablets, capsules, suppositories, milliliters of liquid, grams of ointment or units of injectable medication.

(C) Field 8 Estimated number of days that medication will last according to prescription dosage and administration instructions.

(D) Field 9 National Drug Code number: manufacturer number, item number, package number; enter "COMPOUND" if a compounded drug is dispensed.

(E) Field 10 Pharmacy's internal number assigned to the prescription.

(F) Field 15 Pharmacy's usual charges for the drug. When field 13 is coded, enter the usual charges for the generic equivalent.

(III) Form DFS-F5-DWC-10 Section 3 – Fields required to be completed by Medical Supplier or Pharmacy providing medical supplies:

(A) Field 16 Description or name of item supplied: quantity and size, when applicable.

(B) Field 17 Prescriber's license number assigned by the professional regulatory board or licensing authority.

(C) Field 18 Purchase date in MM/DD/CCYY format.

(D) Field 19 Medical supplier's usual charge for item(s) supplied.

(IV) Form DFS-F5-DWC-10 Section 4 – Fields required to be completed by Pharmacy and Medical Supply providers:

(A) Field 20 Total dollar charges appearing on this statement.

(B) Field 22 Date pharmacy or medical supplier submits statement to insurer for payment in MM/DD/CCYY format.

(C) Field 23 Pharmacist's license number assigned by professional regulatory board or licensing authority.

(D) Field 24 Pharmacy's or medical supplier's federal employer identification number.

c. Dental Billing – Form DFS-F5-DWC-11.

(I) Field 20 Injured employee's name: Last, First, Middle initial, if applicable.

(II) Field 8 Injured employee's Social Security Number or division-assigned number (obtained from the insurer).

(III) Field 51 Federal tax identification number.

(IV) Field 55 Dentist's Florida Department of Health license number (i.e. DN##### or DN#####).

(V) Field 38 Place of treatment (check appropriate box):

(A) Office.

(B) Hospital.

(C) Extended Care Facility.

(D) Other.

(VI) Field 56 Address where services were rendered including zip code.

(VII) Field 46 Date of current accident, injury or illness.

(VIII) Field 24 Date treatment/service performed.

(IX) Field 29 'Procedure Code' Procedure, service or supply code (CPT, CDT-4 or HCPCS 'D' code).

(X) Field 31 Total dollar charges per line item.

d. Hospital Billing – Form DFS-F5-DWC-90 (Hospitals are to use the UB-92 manual for billing guidelines).

(I) Locator 1 Hospital's location zip code.

(II) Locator 4 Type of bill.

(III) Locator 5 Federal tax identification number.

(IV) Locator 6 Date statement covers period from/through.

(V) Locator 12 Injured employee's name: Last, First, Middle initial, if applicable.

(VI) Locator 17 Admission date.

(VII) Locator 18 Admission hour.

(VIII) Locator 19 Type of Admission/Visit.

- (IX) Locator 21 Discharge hour, if applicable.
 - (X) Locator 32 Date of accident, injury or illness.
 - (XI) Locator 38 Insurer name, address and location zip code.
 - (XII) Locator 42 Revenue code.
 - (XIII) Locator 44 CPT, HCPCS or unique workers' compensation code and modifier(s), as required for reimbursement.
 - (XIV) Locator 45 Date of Service, required for outpatient billing.
 - (XV) Locator 46 Number of service units.
 - (XVI) Locator 47 Total dollar charges billed by revenue code.
 - (XVII) Locator 60A Injured employee's Social Security Number or division-assigned number (obtained from the insurer).
 - (XVIII) Locator 67 Principal diagnosis code (ICD-9 code).
 - (XIX) Locators 68-75 Other diagnosis codes (ICD-9 codes), as applicable.
 - (XX) Locator 80 Principal procedure code, as applicable.
 - (XXI) Locator 81(A, B, C, D, E) Other procedure codes, as applicable.
 - (XXII) Locator 82 Attending physician's Florida Department of Health license number.
3. An insurer can require a health care provider to complete additional data elements that are not required by the division on Forms DFS-F5-DWC-9 or DFS-F5-DWC-11.
- (d) Provider Bill Submission/Filing and Reporting Requirements.
- 1. All medical claim form(s) or bill(s) related to services rendered for a compensable injury shall be submitted by a health care provider to the insurer as a requirement for billing.
 - 2. Medical claim form(s) or bill(s) may be electronically filed by a health care provider to the insurer provided the insurer agrees.
 - 3. Medical claim form(s) or bill(s) shall be filed with an insurer according to the following requirements:
 - a. Health Care Providers (excluding hospitals):
Within 30 calendar days of initial or additional service or treatment and accompanied by required documentation that supports medical necessity. This requirement includes Pharmacies, Medical Suppliers, and Ambulatory Surgical Centers.
 - b. Hospitals:
 - (I) Within 30 calendar days following emergency room or initial outpatient treatment.
 - (II) Within 30 calendar days of an injured employee's discharge from an in-patient hospital stay or follow-up outpatient treatment.
- (5) Insurer Responsibilities Other Health Care Treatment Bills.

(a) An insurer is responsible for meeting its obligations under this rule regardless of any business arrangements with any entity under which claims are adjusted, processed or submitted to the division Responsibilities of Nursing Homes and Home Health Agencies.

1. Nursing homes and home health agencies shall submit to the carrier a properly completed bill on their usual billing form. This form shall contain the injured employee's name, social security number, and date of accident and be sent as follows:

- a. Within 45 calendar days after admission or the first service is provided; and
- b. At least every 30 calendar days thereafter until such time as the injured employee is discharged; and
- e. Within 21 calendar days of final service.

2. Home health agencies shall submit documentation of each visit billed with their usual billing form.

(b) At the time of authorization for medical service(s), an insurer shall notify a health care provider of additional requirements that are necessary for reimbursement in excess of the requirements set forth in this rule Responsibilities of Other Authorized Health Care Providers or Facilities.

1. Other authorized health care providers or facilities shall submit to the carrier a properly completed bill on their usual billing form. This billing form shall contain the injured employee's name, social security number and date of accident and must be sent as follows:

- a. Within 15 calendar days following the first treatment or admission;
- b. At time intervals designated by the carrier for follow-up treatment;
- e. Within 21 calendar days following the final treatment.

2. Federal Facilities. Federal facilities are exempt from all billing guidelines and shall submit their charges for services rendered on their usual billing form.

(c) At the time of authorization for medical service(s) an insurer shall inform an out-of-state health care provider of the specific billing and submission requirements of this rule. Responsibilities of Carriers.

1. Carriers shall accept, date stamp on the document front side upon receipt, and within 45 calendar days of receipt pay or deny a legible and complete bill.

2. Carriers shall retain all bills in the category of "other health care treatment bills" and shall not file them with the Division unless specifically requested.

(d) Insurers and providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of injured employee's medical treatment /status and any other reporting forms may not be used in lieu of or supplemental to the Form DFS-F5-DWC-25.

(e) Required data elements on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, and DFS-F5-DWC-90, for both medical only and lost-time cases, shall be filed with the division within 45 calendar days of insurer payment, adjustment and payment, disallowance or denial. This 45 calendar day requirement includes initial submission and correction and re-submission of all errors identified in the "Medical Claim Processing Report", as defined in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004.

(f) An insurer shall be responsible for accurately completing required data filed with the division, pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 and sub-paragraph (4)(c)2. of this rule.

(g) When an injured employee does not have a Social Security Number or division-assigned number, the insurer must contact the division via information provided on the following website: <http://www.fldfs.com/WC/organization/odqc.html> (under Records Management) to obtain a division-assigned number prior to submitting the report to the division.

(h) An insurer shall attach an accurately completed cover sheet, as required in (6)(f)4. of this rule, to each paper-form batch submitted to the division.

(i) An insurer must report to the division the procedure, diagnosis or modifier code(s) or amount(s) charged, as billed by the health care provider.

(j) An insurer shall date stamp Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or date stamp the electronic form equivalent with the date insurer received.

(k) An insurer shall return any bills to the provider, with a written explanation, when: services are billed on an incorrect billing form; an invalid code is used and is the only line-item billed; or required information is illegible or not provided.

(l) An insurer shall pay, adjust and pay, disallow or deny billed charges within 45 calendar days from the date insurer received, pursuant to Section 440.20(2)(b), F.S.

(m) An insurer, when reporting paid medical claims data to the division, shall report the actual dollar amount paid to the health care provider or reimbursed to the employee. On disallowed or denied charges, the dollar amount paid should be reported as \$0.00.

(n) An insurer, filing electronically, shall submit to the division the Explanation of Bill Review (EOBR) code(s), relating to the adjudication of each line item billed and:

1. Maintain the EOBR in a format that can be legibly reproduced, and

2. Use the EOBR codes and descriptors as follows:

a. 01 Services not authorized, as required.

b. 02 Services denied as not related to the compensable work injury.

c. 03 Services related to a denied work injury: Form DFS-F2-DWC-12 on file with the division.

d. 04 Services billed are listed as not covered or non-covered ("NC") in the applicable reimbursement manual.

e. 05 Documentation does not support the level, intensity or duration of service(s) billed. (Insurer must specify to the provider.)

f. 06 Location of service(s) is not consistent with the level of service(s) billed.

g. 07 Reimbursement equals the amount billed.

h. 08 Reimbursement is based on the applicable reimbursement schedule.

i. 09 Reimbursement is based on the contracted amount.

j. 10 Reimbursement is based on charges exceeding the stop-loss point.

k. 11 Reimbursement is based on insurer re-coding. (Insurer must specify to the provider.)

l. 12 Charge(s) are included in the per diem reimbursement.

m. 13 Reimbursement is included in the allowance of another service. (Insurer must specify procedure to the provider.)

n. 14 Hospital itemized statement not submitted with billing form.

o. 15 Invalid procedure code. (Use when other valid procedure codes are present.)

p. 16 Documentation does not support that services rendered were medically necessary.

q. 17 Required supplemental documentation not filed with the bill. (Insurer must specify required documentation to the provider.)

r. 18 Duplicate Billing: Service previously paid, adjusted and paid, disallowed or denied on prior claim form or multiple billing of service(s) billed on same date of service.

s. 19 Required DFS-F5-DWC-25 form not submitted within three business days of the first treatment pursuant to Section 440.13(4)(a), F.S.

t. 20 Other: Unique EOBR code description. Use of EOBR code "20" is restricted to circumstances when a listed EOBR code does not explain the reason for adjustment, disallowance or denial of payment. When using EOBR code "20", an insurer must include the specific explanation of the code and maintain a standardized EOBR code description list.

(o) An insurer shall make available to the division and to the Agency, upon request and without charge, a legibly reproduced copy of Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-25, DFS-F5-DWC-90, supplemental documentation, proof of payment, EOBR and/or standardized EOBR code "20" description list.

(p) An insurer shall submit to the health care provider an Explanation of Bill Review, utilizing the EOBR codes listed above, including the insurer name and specific insurer contact information.

(6) Insurer Medical Report (Electronic Format, Paper-form, or Excel Spreadsheet format) Filing To The Division Bills Prepared by Billing Services.

(a) Effective March 16, 2005, all required medical reports shall be electronically filed with the division by all insurers. In meeting this requirement an insurer shall comply with the following implementation schedule, as applicable: Responsibilities of the Authorized Health Care Provider. Any health care provider using a billing service shall comply with all applicable sections of this rule.

1. Submitters who are electronically filing any medical reports with the division, as of the effective date of this rule, must complete a test transmission and be approved by the division for production transmission that meets the requirements set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 according to the following schedule:

a. August 2 through September 15, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with the letters A through E and that are submitting for multiple insurers, service companies or third party administrators.

b. September 16 through October 29, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with the letters F through Z and that are submitting for multiple insurers, service companies or third party administrators.

2. Submitters who are not electronically filing any medical reports with the division, as of November 1, 2004, must complete a test transmission and be approved by the division for production transmission that meets the requirements set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 according to the following schedule:

a. November 1 through December 15, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with A through H – and that are submitting for multiple insurers, service companies or third party administrators.

b. December 16, 2004 through January 31, 2005, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with I through Q and that are submitting for multiple insurers, service companies or third party administrators.

c. February 1 through March 15, 2005, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with R through Z and that are submitting for multiple insurers, service companies or third party administrators.

(b) Special Conversion to Electronic Reporting Responsibilities of the Billing Service. The form used for billing completed by the billing service shall comply with all applicable sections of this rule.

1. Submitters who have implemented electronic filing of any medical reports with the division within 120 calendar days prior to the effective date of this rule, shall be scheduled for the test transmission to production transmission processes, for all electronic form equivalents, to comply with requirements set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004, beginning February 1 through March 15, 2005.

2. The Division will, resources permitting, allow submitters, that volunteer to complete the test transmission to production transmission processes earlier than the schedule denoted above. Each voluntary submitter shall have six weeks to complete test transmission to production transmission processes, for all electronic form equivalents, that comply with requirements set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004.

(c) Required data elements shall be submitted in compliance with the instructions and formats as set forth in the Florida Workers' Compensation Medical EDI Implementation Guide, 2004, Responsibilities of Carriers.

1. Carriers shall accept, date stamp on the document front side upon receipt, and pay or deny a legible and complete bill in accordance with all applicable sections of this rule.

2. Carriers shall retain the billing form or submit to the Division in accordance with all applicable sections of this rule.

(d) The division will notify the insurer on the "Medical Claim Processing Report" of the corrections necessary for rejected medical reports to be electronically re-filed with the division. An insurer shall correct and re-file all rejected medical claim reports to meet the filing requirements of paragraph (5)(e) of this rule.

(e) Submitters who experience a catastrophic event resulting in the insurer's failure to meet the reporting requirements in paragraph (5)(e) of this rule, shall submit a written request within 3 business days of the catastrophic failure to the division for approval to submit paper forms in order to meet division-reporting requirements. The submission

of paper forms due to a catastrophic failure shall not exceed 30 calendar days. Approval must be obtained from the Division's Office of Data Quality and Collection, 200 E. Gaines Street, Tallahassee, Florida 32399-4226. Approval to submit paper forms shall be granted if a catastrophic event beyond the control of the submitter prevents electronic submission.

(f) Until March 16, 2005 required medical reports may be paper-form filed with the division by an insurer, service company or third party administrator as follows:

1. The insurer code number and service company/third party administrator code number (if applicable) accurately and legibly entered in the upper-right corner on the form.

2. The date insurer paid legibly stamped on the front of the form. Payments of \$0.00 are valid amounts on disallowed or denied charges.

3. The required data elements as set forth in record layout sections of the Florida Workers' Compensation Medical EDI Implementation Guide, 2004. An insurer shall submit to the division the listed information, legibly entered on the paper-form, as follows:

a. Form DFS-F5-DWC-9.

b. "Procedure, Service or Supply Code" (as paid by the insurer, if different from billed code) – entered in Field 24D₁ without obscuring the billed code;

c. "Procedure, Service or Supply Code Modifier" (as paid by the insurer, if different from billed modifier) – entered in Field 24D₂ without obscuring the billed modifier;

III. "Insurer Payment per Line" entered in Field 24K.

IV. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

b. Form DFS-F5-DWC-10.

c. "Insurer Payment per Line" – written above the 'Usual Charge' in Field 15 or 19, respectively;

II. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

c. Form DFS-F5-DWC-11.

I. "Insurer Payment per Line" – entered in Field 30 following description:

II. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

d. Form DFS-F5-DWC-90.

I. "HCPCS/RATES" code (as paid by the insurer, if different from billed code). Enter the reimbursed code above the billed code;

II. "HCPCS/RATES" code modifier (as paid by the insurer, if different from billed modifier). Enter the reimbursed modifier above the billed modifier;

III. "Insurer Payment per Line" entered in Locator 49;

IV. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

4. In order to facilitate the division's responsibility to determine the timeliness of health care provider reimbursement and submission of medical reports to the division, reports submitted in paper-form must be submitted in batches and each batch must be accompanied with a cover sheet and the following requirements:

a. Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11 or DFS-F5-DWC-90 forms shall be separated by form type into 100-count batches prior to submitting to the division. Insurers processing less than 100 forms in 30 calendar days shall separate by form type category and submit batches of less than 100.

b. Within each submitted paper-form batch, the insurer shall separate and band into groups, medical reports as being untimely paid to a provider or untimely reported to the division pursuant to Section 440.20(6)(b), F.S. and paragraph (5)(e) of this rule, respectively.

c. Every submitted paper-form batch shall be accompanied by a cover sheet providing the following information:

I. The title shall read "Medical Paper-Form Submission Cover Sheet".

II. The date the batch was submitted to the division shall be specified.

III. The insurer name, address including zip code of the medical claim office submitting the batch, insurer code number and service company or third party administrator code number shall be specified.

IV. The insurer contact name, telephone number and email address shall be specified.

V. The form type (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90) shall be specified.

VI. The total number of medical reports in each batch submitted to the division shall be specified.

VII. The total number of medical reports filed with the division more than 45 calendar days after insurer payment, adjustment and payment, disallowance or denial shall be specified.

VIII. The total number of medical reports reflecting medical bills that were paid to the provider more than 45 calendar days from the date insurer received.

d. Every paper batch which is not accompanied by an accurately completed cover sheet or is not in compliance with sub-subparagraph (6)(f)4.a. of this rule, will be returned to the insurer, service company or third party administrator, and considered not in compliance with paragraph (5)(e) of this rule, until re-filed with an accurately completed cover sheet or correctly batched.

5. All required medical reports (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90) shall be submitted to the division at:

Department of Financial Services
Division of Workers' Compensation
Office of Data Quality and Collection
Medical Data Management Section
200 East Gaines Street
Tallahassee, FL 32399-4226.

(g) As an alternative to submitting paper-form batches, as described in paragraph (6)(f) of this rule, medical data that would otherwise be provided on paper, between the effective date of this rule and each submitter's deadline for electronic submission according to the schedule in paragraph (6)(a) of this rule, may be filed in electronic format to the division in a Medical Summary Report to meet the requirements of this rule. A request to submit medical data in this format shall be sent to ssmedrequest@dfs.state.fl.us. Upon receiving written approval from the division via e-mail, each electronic Medical Summary Report shall be filed by a submitter as follows:

1. No later than 15 calendar days following the end of each calendar month, an insurer, service company, or third party administrator shall submit four division-approved electronic Excel spreadsheets: one Excel spreadsheet for each of the four medical form-types (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90).

2. Each Excel spreadsheet must contain the following data elements:

a. Form Type (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90).

b. Calendar Month/Year of medical data processed by the insurer submitted to the division, (i.e. 01/01/2004 through 01/31/2004).

c. Name of Insurer, Service Company, or Third Party Administrator submitting the monthly division-approved electronic Excel spreadsheet.

d. Insurer code number, Service Company/Third Party Administrator code number submitting the monthly division-approved electronic Excel spreadsheet.

e. Contact Name, address, including zip code, telephone number and e-mail address of the Insurer, Service Company, or Third Party Administrator.

f. Total number of bills that were paid, adjusted and paid, disallowed or denied for the calendar month reported.

g. Total number of bills reported in f. above, that were paid, adjusted and paid, disallowed or denied more than 45 calendar days after the date insurer received the bill from the provider.

h. For each of the bills that were paid, adjusted and paid, disallowed or denied more than 45 calendar days after the date insurer received the bill from provider, the following additional data elements shall be provided on the division-approved electronic Excel spreadsheet:

(I) Injured Employee Last Name

(II) Injured Employee First Name

(III) Injured Employee SSN

(IV) Claims Handling Entity File Number

(V) Date of Accident

(VI) Date Insurer Received Bill from Provider

(VII) Date Insurer Paid, Adjusted and Paid, Disallowed, or Denied the Bill

(VIII) Total Dollar Amount Paid by Insurer. If disallowed or denied, \$0.00 is to be reported.

(IX) Provider License, Pharmacist or Other Facility number as assigned by the professional regulatory board, licensing authority or state regulatory agency, whichever is applicable depending on form-type that is submitted.

i. Each Insurer, Service Company, or Third Party Administrator approved to submit the electronic Medical Summary Report, shall submit the division-approved electronic Excel spreadsheets within the required time frame under subparagraph (6)(g)1. of this rule to ssmedformat@dfs.state.fl.us.

(7) Insurer Administrative Penalties and Administrative Fines Co-Payments. Except for emergency services and care, after the injured employee has reached overall maximum medical improvement, the injured employee is obligated to pay a co-payment of \$10 per visit for medical services. The co-payment is not in addition to any applicable maximum reimbursement allowance, but displaces or offsets \$10 from the reimbursement amount otherwise reimbursed by the carrier.

(a) Insurer administrative penalties for untimely provider-payment or disposition of medical bills. The department shall impose insurer administrative penalties for failure to comply with the payment, adjustment and payment, disallowance or denial requirements pursuant to Section 440.20(6)(b), F.S. Timely performance standards for timely payments, adjustments and payments, disallowances or denials, reported on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90, shall be calculated and applied on a monthly basis for each separate Form category that was received within a specific calendar month.

(b) Insurer administrative fines for failure to submit, untimely submission, filing and reporting of medical data requirements. Pursuant to Section 440.185(9), F.S., the

department shall impose insurer administrative fines for failure to comply with the submission, filing or reporting requirements of this rule. Insurer administrative fines shall be:

1. Calculated on a monthly basis for each separate Form category (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, DFS-F5-DWC-90) received and accepted by the division within a specific calendar month; and

2. Imposed for each un-filed, rejected and not re-submitted, or rejected and re-submitted untimely medical data report according to the following schedule:

- a. 1 – 15 calendar days late \$10.00
- b. 16 – 30 calendar days late \$20.00
- c. 31 – 45 calendar days late \$30.00
- d. 46 – 60 calendar days late \$40.00
- e. 61 – 75 calendar days late \$50.00
- f. 76 – 90 calendar days late \$100.00
- g. 91 calendar days or greater \$500.00

(c) An Insurer that fails to submit, or who untimely submits, any division-approved Medical Summary Report electronic Excel spreadsheet required in subparagraph (6)(g)1. of this rule, shall be assessed a penalty for improper filing of \$25.00 per day, not to exceed a total penalty of \$1,000.00 per improperly filed Excel spreadsheet, in addition to any administrative penalty pursuant to Section 440.20(6)(b), F.S.

~~(8) If the carrier is submitting forms DWC-9, DWC-10, and/or DWC-11 to the Division on electronic media, and retaining the forms on electronic media, the carrier is not required to retain paper copies of those forms, but may treat the electronic media as the original documentation.~~

~~(9) On forms DWC-9, DWC-10, and DWC-11, the carrier shall be responsible for the legibility, accuracy and completeness of only the social security number, date of accident, and those areas of the form that the carrier completes. The carrier shall not be penalized for the legibility, accuracy or completeness of any area of the form completed by the employer, injured employee, or health care provider.~~

~~(10) Forms DWC-8, DWC-9, DWC-10, and DWC-11 are hereby incorporated into this rule and Rule Chapter 4L-7 by reference. Forms DWC-8, DWC-10, and DWC-11 shall bear the date September 1, 1994 in the lower right hand corner of the forms and shall become effective on the effective date of this rule. Form DWC-9 shall bear the date December 1990 in the lower right hand corner of the form and shall become effective on the effective date of this rule. A copy of forms DWC-8, DWC-9, DWC-10, and DWC-11 may be obtained by sending a request to the Division of Workers' Compensation, Medical Data Section, 200 East Gaines Street, Tallahassee, Florida 32399-4230.~~

Specific Authority ~~440.13(4)(a),(b), 440.15(3)(b),(d), 440.185(5), 440.525(2), 440.591, 440.593(5)~~ FS. Law Implemented ~~440.09, 440.13(2)(a),(3),(4),(6),(7),(11),(12),(14),(16), 440.15(3)(b),(d), 440.20(6), 440.185(5),(9), 440.593~~ FS. History—New 1-23-95, Formerly 38F-7.602, 4L-7.602, Amended _____.

The remainder of the rule reads as previously published.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE NO.: 690-149.037
 RULE TITLE: Calculation of Premium Rates
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above Rules as noticed in Vol. 30, No. 3, January 16, 2004, of the Florida Administrative Weekly, have been withdrawn.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 539, CASH JUBILEE
 RULE NO.: 53ER04-24
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 539, "CASH JUBILEE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

- 53ER04-24 Instant Game Numbers 539, CASH JUBILEE.
- (1) Name of Game. Instant Game Number 539, "CASH JUBILEE."
- (2) Price. CASH JUBILEE lottery tickets sell for \$1.00 per ticket.
- (3) CASH JUBILEE lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning CASH JUBILEE lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a

dispute arises as to the validity of any CASH JUBILEE lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$4.00	\$5.00
TICKET	ONE	TWO	FOUR	FIVE
\$10.00	\$25.00	\$50.00	\$100	\$500
TEN	THY FIVE	FIFTY	ONE HUN	FIVE HUN

(5) Determination of Prizewinners.

A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, and \$500. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a CASH JUBILEE lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 539 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS	
		ODDS OF 1 IN	PER POOL
\$1	\$1	10.00	1,008,000
\$2	\$2	15.00	672,000
\$4	\$4	25.00	403,200
\$5	\$5	150.00	67,200
\$10	\$10	50.00	201,600
\$25	\$25	100.00	100,800
\$50	\$50	200.00	50,400
\$100	\$100	2,769.23	3,640
\$500	\$500	29,647.06	340
		201,600.00	50

(7) The estimated overall odds of winning some prize in Instant Game Number 539 are 1 in 4.02. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 539, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a CASH JUBILEE lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(10) Payment of prizes for CASH JUBILEE lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 4-30-04.

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

EFFECTIVE DATE: April 30, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 541, MEGA BUCKS
 RULE NO.: 53ER04-25

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 541, "MEGA BUCKS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-25 Instant Game Numbers 541, MEGA BUCKS.

(1) Name of Game. Instant Game Number 541, "MEGA BUCKS."


(2) Price. MEGA BUCKS lottery tickets sell for \$5.00 per ticket.

(3) MEGA BUCKS lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning MEGA BUCKS lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any MEGA BUCKS lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
7	8	9	10	11	12
SEVEN	EIGHT	NINE	TEN	ELEVN	TWELV
13	14	15	16	17	18
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
19	20	21	22	23	24
NINTN	TWENTY	TWYONE	THYTHO	THYTHR	THYFOF
25	26	27	28	29	
THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
7	8	9	10	11	12
SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE
13	14	15	16	17	18
THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN
19	20	21	22	23	24
NINETEEN	TWENTY	TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR
25	26	27	28	29	
THIRTYFIVE	THIRTYSIX	THIRTYSEVEN	THIRTYEIGHT	THIRTYNINE	WIN \$50

(6) The prize symbols and prize symbol captions are as follows:

\$1.00	\$2.00	\$4.00	\$5.00	\$10.00	\$15.00
ONE	TWO	FOUR	FIVE	TEN	FIFTEEN
\$25.00	\$50.00	\$75.00	\$100	\$200	\$500
THIRTYFIVE	FIFTY	SEVENTYFIVE	ONE HUNDRED	TWO HUNDRED	FIVE HUNDRED
\$1,000	\$10,000	\$100,000			
ONE THOUSAND	TEN THOUSAND	ONE HUNDRED THOUSAND			

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to fifteen sets of matching numbers. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$10,000, and \$100,000.



(b) A ticket having a "WIN \$50" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 541 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 120,000 TICKETS PER POOL
\$1 x 5	\$5	30.00	136,000
(\$1 x 3) + \$2	\$5	30.00	136,000
\$1 + (\$2 x 2)	\$5	30.00	136,000
\$5	\$5	30.00	136,000
\$1 x 10	\$10	30.00	136,000
\$2 + (\$4 x 2)	\$10	60.00	68,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	68,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	34,000
\$10	\$10	120.00	34,000
\$1 x 15	\$15	60.00	68,000
\$15	\$15	60.00	68,000
\$5 x 5	\$25	300.00	13,600
(\$5 x 3) + \$10	\$25	400.00	10,200
\$5 + (\$10 x 2)	\$25	300.00	13,600
(\$2 x 5) + \$5 + \$10	\$25	300.00	13,600
(\$1 x 5) + (\$2 x 10)	\$25	400.00	10,200
\$25	\$25	600.00	6,800
\$50 (MONEYBAG)	\$50	100.00	40,800
\$5 x 15	\$75	20,000.00	204
\$5 + (\$10 x 7)	\$75	20,000.00	204
(\$5 x 5) + \$50	\$75	20,000.00	204
(\$10 x 5) + \$25	\$75	20,000.00	204
\$75	\$75	20,000.00	204
\$10 + (\$15 x 6)	\$100	1,200.00	3,400
(\$5 x 10) + (\$10 x 5)	\$100	1,200.00	3,400
\$25 x 4	\$100	1,200.00	3,400
(\$25 x 2) + \$50	\$100	1,200.00	3,400
\$100	\$100	1,200.00	3,400
\$50 x 10	\$500	136,000.00	30
(\$25 x 10) + (\$50 x 5)	\$500	81,600.00	50
\$500	\$500	136,000.00	30
\$100 x 10	\$1,000	272,000.00	15
\$200 x 5	\$1,000	340,000.00	12
(\$50 x 10) + (\$100 x 5)	\$1,000	340,000.00	12
\$500 x 2	\$1,000	340,000.00	12
\$1,000	\$1,000	408,000.00	10
\$1,000 x 10	\$10,000	1,360,000.00	3
(\$500 x 10) + (\$1,000 x 5)	\$10,000	1,360,000.00	3
\$10,000	\$10,000	1,360,000.00	3
\$100,000	\$100,000	2,040,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 541 are 1 in 3.56. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 541, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a MEGA BUCKS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for MEGA BUCKS lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 4-30-04.

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

EFFECTIVE DATE: April 30, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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 27, 2004, South Florida Water Management District (District) received request for Withdrawal of Petition for Waiver from Maggie Wilson, Application No. 04-0224-2, for utilization of Works or Lands of the District known as the Hillsboro Canal, Section 36, Township 47S, Range 42E, Broward County. Notice of receipt of petition requesting waiver was published in the Florida Administrative Weekly, Vol. 30, No. 11, on March 12, 2004. No public comment was received.

A copy of the withdrawal request may be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on April 29, 2004, South Florida Water Management District (District) received a petition for waiver from Florida Power and Light Company, Application Number 04-0412-1M for issuance of a Modification to Right of Way Occupancy Permit Number 11754, for utilization of Works or Lands of the District known

as the C-11 Canal, Broward County, for installation of a proposed pole with down guy and anchor to be located within 35’ of the top of the canal bank within the south right of way of C-11, west of S. W. 202nd Avenue, extended, to provide electrical power to the District’s S-381 Structure, Section 26, Township 50 South, Range 39 East. The petition seeks relief from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent facilities within 40 feet of the top of the canal bank 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 the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Electrical Contractors’ Licensing Board hereby gives notice that it has received a petition filed on April 27, 2004, by Chris Rudolph Power Factor, Inc., seeking a variance/waiver from Rule 61G6-5.004, F.A.C., with regard to minimum net worth for the purpose of demonstrating financial responsibility for a business entity applicant.

Comments on this petition should be filed with the Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783, within 14 days of publication of this notice.

For a copy of the petition, contact: John Knap, Executive Director, Electrical Contractors’ Licensing Board, 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 received a petition filed on April 26, 2004, on behalf of Maan M. Kattash, M.D., seeking a variance/waiver from Rule 64B8-5.001 and subsection 64B8-4.009(5), F.A.C. Petitioner seeks a variance/waiver from the rules with regard to the time

frames imposed for completion of the USMLE examination and the requirement for official verification of medical school education.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Baruch Jacobs, M.D. The Notice of Petition for Waiver was published in Vol. 30, No. 11, of the March 12, 2004, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on March 19, 2004. The Board considered the Committee's recommendation at its meeting held on April 3, 2004, in Ft. Lauderdale, Florida. The Board's Order, filed on April 27, 2004, temporarily grants the petition for waiver of sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., for a period of 90 days during which time Petitioner shall undergo an anesthesia assessment.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by the Urological Center, LLC. The Notice of Petition for Waiver was published in Vol. 30, No. 5, of the January 30, 2004, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on March 19, 2004, and the Board considered the Committee's recommendation at its meeting held on April 3, 2004, in Ft. Lauderdale, Florida. The Board's Order, filed on April 27, 2004, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by sub-subparagraph 64B8-9.009(6)(b)1.b., F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

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

The Board of Medicine hereby gives notice that it has received a petition filed on April 26, 2004, on behalf of David Hiram Solis, M.D., seeking a variance/waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT ON May 5, 2004, the Board of Physical Therapy Practice received a Petition for Variance from or Waiver of Rule 64B17-3.001, F.A.C., specifically subsection 64B17-3.001(4), F.A.C., from Louis Salvagio. The Petition requests a variance or waiver of the rule that specifies the use of a credentials evaluation report from a Board-approved credentialing agency.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

For a copy of the petition or information regarding hearing date and location where petition will be considered, contact: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

The Board of Psychology hereby gives notice that it has received a petition filed by Heide Catherina Coppotelli, Ph.D., on April 21, 2004, seeking a variance from Rule 64B19-12.007, F.A.C., with regard to the licensure renewal fees for the licensure biennium beginning June 1, 2004, and ending on May 31, 2006.

Comments on the petition should be filed with Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address.

NOTICE IS HEREBY GIVEN that the Department of Health issued a Final Order on April 29, 2004, in response to a petition for a variance filed by Purvi B. Patel. Petitioner sought a waiver of subsection 64B21-500.005(2), Florida Administrative Code, with respect to the 1 and 1/2 contact hours per week of face-to-face interactive supervision requirement for licensure.

The Department found the Petitioner demonstrated that strict application of the rules would violate principles of fairness and would create a substantial hardship in her particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), F.S., the Department GRANTED Petitioner's request for a variance.

For a copy of the petition and final order, contact: Kaye Howerton, Executive Director, Department of Health, Office of School Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on May 4, 2004, Florida Housing Finance Corporation received a Petition for Variance from or Waiver of subsection 67-50.001(6), Florida Administrative Code, from Leon South HOME (“Petition”). The Petition is seeking a variance from the rule which provides that existing paved roads provide access to the proposed development or paved roads will be constructed as part of the proposed development. 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

DEPARTMENT OF STATE

The **Department of State, Division of Elections** announces a public meeting to which all persons are invited:

DATE AND TIME: May 24, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: Office of the Orange County Supervisor of Elections, 119 West Kaley Street, Orlando, Florida 32806-3938

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Help America Vote Act State Planning Committee created pursuant to the federal Help America Vote Act of 2002. The objective of the meetings is to help the committee members review the requirements of the federal legislation and review and revise the state plan previously created. This is the first of two meetings.

Copies of the draft State Planning Committee Meeting agenda may be obtained by contacting: Barbara Leonard, Collins Building, Suite 100, 107 W. Gaines Street, Tallahassee, FL 32308, (850)245-6200.

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

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: Wednesday, May 26, 2004, 2:30 p.m.

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

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

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Coordinating Council on Mosquito Control** announces the following meeting to which all interested persons are invited.

DATE AND TIME: July 22, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: DACS, Division of Plant Industry’s Conference Room, 1911 S. W. 34th Street, Gainesville, Florida 32614, (352)372-3505

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting Objectives:

- To Approve Regular Procedural Topics
- To Review and Approve Updated Workplan
- To Hear a Report from the Subcommittee on Managed Marshes
- To Hear a Report from the Subcommittee on Aerial Spraying
- To Hear a Report on State Level Mosquito Control Funding
- To Hear MCD’s Response to the Arbovirus Response Plan
- To Discuss Proposed Guidelines for Submission of Mosquitoes for Virus Isolation
- To Hear a Report from Lab Directors on Research Data Gaps
- To Discuss Research Priorities for Funding RFP’s
- To Discuss Use of Permethrin for Aerial Application Proposal
- To Consider Public Comment
- To Identify Needed Next Steps and Agenda Items For Next Meeting

Meeting Agenda:

- 10:00 a.m. – Welcome and Introductions Loyless
- 10:05 a.m. – Agenda Review and Approval Blair
- 10:10 a.m. – Approval of April 8, 2004 Minutes Blair
- 10:15 a.m. – Review and Approval of Updated Workplan Blair
- 10:25 a.m. – Report from the Subcommittee on Managed Marshes Carlson

- 10:35 a.m. – Report from the Subcommittee on Aerial Spraying Latham
- 10:45 a.m. – Report on State Level Funding for Mosquito Control Dwinell
- 11:00 a.m. – MCD’s Response to the Arbovirus Response Plan Tabachnick
- 11:30 a.m. – Report and Discussion on Recommendations Regarding Proposed Guidelines for Submission of Mosquitoes for Virus Isolation Blackmore
- 12:00 Noon Working Lunch (On Campus) 30 minutes
- 12:30 p.m. – Lab Directors’ Reports on Research Data Gaps Smith/Tabachnick
- 1:00 p.m. – Discussion on Research Priorities for Funding RFP’s Loyless
- 2:00 p.m. – Permethrin Aerial Application Use Proposal Dwinell
- 2:45 p.m. – Public Comment Blair
- 2:55 p.m. – Next Steps and Agenda Items for Next Meeting Blair
- 3:00 p.m. – Adjourn

Contact Information: Jeff Blair, (850)644-6320, jblair@mailers.fsu.edu, <http://consensus.fsu.edu>

DEPARTMENT OF EDUCATION

The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, May 26, 2004, 9:30 a.m. – 12:30 p.m.

PLACE: Room 1721/25, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the items to be addressed may be obtained by contacting: Office of Articulation, Florida Department of Education, Room 1401, Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0427 or Suncom 205-0427.

The **Florida Alliance for Assistive Services and Technology**, Inc., Board of Directors announces a public meeting to which all persons are invited to attend:

DATE AND TIME: Thursday May 27, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819, 1(800)800-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specifically on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. B., Tallahassee, FL 32303, or by calling (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address at least 14 working days in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings.

Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between full Board meetings. If you would like to present information to a FFAST committee, attend a committee teleconference, or require reasonable telecommunication accommodations due to a disability, please contact the FFAST, Inc. office in writing at the above address.

The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The following Committees will meet: Student Affairs, Facilities, Strategic Planning/Educational Policy, and Audit. The regular meeting of the Board will follow.

DATE AND TIME: May 27, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation and Access to universities in the State University System; Facilities usage in the universities; Continuing discussion of the Strategic Plan, mission and goals for the State University System; Audits of the universities; Discussion of the SUS Funding Formula presented by the SUS Funding Committee; Request for Implementation Authorization, Ph.D., Social Work, USF; Proposed Agreement of the Board of Governors with the Florida Institute for Human and Machine Cognition, Inc.; Presentation, Ed Moore, ICF; Presentation, Campus Compact; 2005-2006 SUS Fixed Capital Outlay Legislative Budget Request Development Guidelines; Resolution of the Board of Governors Authorizing the Issuance of Not to Exceed \$7.4 million Florida State University International Programs Association, Inc., Tax Exempt Debt to Refund Certain Outstanding Obligations; Resolution of the Board of Governors Authorizing the Issuance of Florida International University Revenue Bonds to Finance a Student Housing Complex and Support Services Facilities Project (Lakeview Housing Project), University Park Campus, FIU; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Florida Center for Advising and Academic Support (FCAAS)** announces a public meeting to which all persons are invited.

DATE AND TIME: May 19, 2004, 1:30 a.m. – 3:30 p.m.

PLACE: Turlington Building, 325 W. Gaines Street, Room 1414, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: FCAAS Executive Committee will meet to discuss the agenda for the upcoming FCAAS Board meeting.

A copy of the agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact: Diana Chipps, FCAAS, (850)245-0518.

The **Foundation for Florida's Community Colleges Investment Committee** announces two meetings by conference call to which all persons are invited.

DATES AND TIME: May 18, 2004; June 1, 2004, 11:00 a.m. – 1:00 p.m.

PLACE: The dial-in number will be (850)487-9580 or Suncom 277-9580

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Foundation for Florida's Community Colleges Investment Committee Board Members.

NOTE: If you need special services to attend the meeting or need additional information, write: Ms. Sharon Jones, Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

The **Gulf Coast Community College**, District Board of Trustees will hold its Budget Committee meeting as follows:

DATE AND TIME: May 25, 2004, 1:30 p.m. (CDT)

PLACE: Dr. Robert L. McSpadden's Office, Gulf Coast Community College, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Committee Meeting.

Contact person for the meeting is Dr. Robert L. McSpadden, President.

The **Florida Community Colleges Risk Management Consortium** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, June 3, 2004, 8:00 a.m. – 1:30 p.m.

PLACE: Embassy Suites, 5835 T. G. Lee Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Florida Community Colleges Risk Management Consortium, 5700 S. W. 34th Street, Suite 1205, Gainesville, FL 32608, (352)955-2190, Ext. 6.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following conference call to which all persons are invited to participate.

DATE AND TIME: May 25, 2004, 1:30 p.m.

PLACE: Conference Call – (850)921-6433, Suncom 291-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the International Code Council (ICC) response to a Request for Proposal for printing and delivery of the 2004 Florida Building Code.

Anyone who wishes to participate in the conference call needs to contact the operator at the above number and request to participate in the conference call. If a person wishes to attend the conference call in person, they may go to Room 210L in the Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida.

A copy of the agenda may be obtained by sending a request in writing to: Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. 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) and 1(800)955-8771 (TDD).

The **Department of Community Affairs (DCA)** announces a series of work group meetings to which all interested parties are invited.

DATES AND TIMES: June 3, 2004, 2:00 p.m. – 5:00 p.m.; September 1, 2004, 2:00 p.m. – 5:00 p.m.; November 4, 2004, 2:00 p.m. – 5:00 p.m.; January 11, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: The Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the State of Florida Consolidated Plan for Federal Fiscal Year 2005-2010 and to receive input or comments from the public and/or interested parties.

PLAN SUMMARY: The State of Florida is required to submit a Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The plan must cover the grant programs funded by HUD as well as other information related to housing and community development. Grant programs included in the Plan are the Florida Small Cities Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Home Investment Partnership (HOME) and Housing Opportunities for Persons with Aids (HOPWA). The Plan must also contain specific elements outlined in federal regulations. These elements include: special needs of the homeless, farmworkers, elderly, disabled, and persons with AIDS; health and safety issues such as the alleviation of lead based paint hazards; fair housing and equal opportunity; affordable housing; and efforts to reduce poverty.

ACTION TO BE TAKEN: At the workgroup meetings, staff from the CDBG, ESG, HOME and HOPWA programs, as well as staff from other state agencies and nonprofits, will work in committees to review, research and develop information to be included in the Consolidated Plan. Interested parties are encouraged to attend.

A copy of the agenda may be obtained by appearing in person at the agency headquarters or by email or calling: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644, e-mail rick.miller@dca.state.fl.us or judy.peacock@dca.state.fl.us.

Written comments are encouraged throughout the process. They may be submitted at any one of the meetings or mailed to the address listed.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)922-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2004, 8:30 a.m.

PLACE: Department of Transportation, District Four Office Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)922-4483.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 2, 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.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 16, 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

The Florida **Public Service Commission** announces the rescheduling of a prehearing from Wednesday, May 19, 2004 in Docket No. 040206-EI – Petition to determine need for Turkey Point Unit 5 electrical power plant, by Florida Power & Light Company.

DATE AND TIME: Monday, May 24, 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 its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: June 1, 2004, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

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, Statement of Agency Organization and Operations), by contacting: Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations 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 to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which 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).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: June 1, 2004, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any

person who is 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).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor’s Commission on Volunteerism and Community Service**, Volunteer Florida, Nominating Committee is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Monday, May 24, 2004, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Volunteer Florida Officer Nomination Process Timeline.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor’s Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a meeting to which all persons are invited.

DATE AND TIME: Thursday, May 26, 2004, 10:00 a.m.

PLACE: 1530 Shumate Drive, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Volunteer center planning.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor’s Commission on Volunteerism and Community Service**, Volunteer Florida, Grants Oversight Council is pleased to announce a conference call to which all persons are invited.

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

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of AmeriCorps proposals for formula funding.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Orientation Meeting for New Members
DATE AND TIME: May 27, 2004, 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an orientation meeting for new Council members.

MEETING: Executive Committee
DATE AND TIME: May 27, 2004, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee
DATE AND TIME: May 27, 2004, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council
DATE AND TIME: May 27, 2004, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing ncfrpc@ncfrpc.org or writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Northeast Florida Regional Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, June 2, 2004, 10:00 a.m.

PLACE: Northeast Florida Regional Council Board Room, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Jeanie Palmer, (904)279-0880, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Tampa Bay Local Emergency Planning Committee**, (LEPC) District VIII announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 2, 2004, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, Ext 33.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, within three working days of the meeting.

The **Charlotte Harbor National Estuary Program** announces a public meeting to which all persons are invited:

DATE AND TIME: May 18, 2004, 9:30 a.m.

PLACE: Charlotte Harbor Aquatic Preserve and State Park Buffer Preserve Office, 12301 Burnt Store Road, Punta Gorda, FL 33955

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Legislative Subcommittee of the Charlotte Harbor NEP Policy Committee.

A copy of the proposed agenda may be obtained by writing: Ms. Liz Donley, Charlotte Harbor NEP, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33918-3455, e-mail: ldonley@swfrpc.org.

Any person requiring special accommodation due to disability or physical impairment should contact Ms. Liz Donley, (239)995-1777, Ext. 234, at least five calendar days prior to the

meeting. Persons who are hearing impaired should contact Ms. Donley using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Region IX, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited:

DATE AND TIME: May 27, 2004, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right To Know Act.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 7, 2004, 10:30 a.m.

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, FL 33050-3756

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Florida International University Campus Master Plan; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of the Brownfields Advisory Committee to which all persons are invited.

DATE AND TIME: May 28, 2004, 8:30 a.m. – 12:30 p.m.
 PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Brownfields Advisory Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, May 27, 2004, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time
 PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces the following meetings to which all persons are invited:

MEETING: Administration, Budget and Finance Committee
 DATE AND TIME: May 27, 2004, 10:15 p.m. (CDT)
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide for unanticipated revenues and other matters.

MEETING: District Lands Committee
 DATE AND TIME: May 27, 2004, 10:30 a.m. (CDT)
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss District lands issues.

DATE AND TIME: May 27, 2004, 12:45 p.m. (CDT)
 MEETING: Governing Board Meeting
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider District business.

DATE AND TIME: May 27, 2004, 12:50 a.m. (CDT)
 MEETING: Public Hearing on Regulatory Matters
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider regulatory issues.

DATE AND TIME: May 27, 2004, 1:00 p.m. (CDT)
 MEETING: Public Hearing on Land Acquisition Matters
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider land acquisition issues.

PLACE: Pensacola City Hall Council Chambers, 180 Governmental Center, Pensacola, Florida

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

Appeal from any NFWFMD Board decision requires a record of the proceedings. Although Governing Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD MEETING

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

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board business including election of officers.

PASCO I PROJECT DEDICATION

DATE AND TIME: Saturday, May 22, 2004, 9:00 a.m.

PLACE: 1.5 miles east of US 41 on State Road 52, near Gowers Corner in Pasco County

GENERAL SUBJECT MATTER TO BE CONSIDERED: Project dedication.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

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: Friday, June 4, 2004, 10:30 a.m. – completion

PLACE: 2740 Centerview Drive, Suite 1A, Rhyne Building, Tallahassee, FL, (850)410-5700, Conference Call Number (850)921-6623, Suncom 291-6623

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 ELDER AFFAIRS

The **Department of Elder Affairs** is holding a workshop for all providers and potential providers of services under the long-term care community diversion pilot projects. Participation is voluntary and all interested parties are invited to attend.

DATE AND TIME: Tuesday May 25, 2004, 9:30 a.m. – 4:00 p.m.

PLACE: 4040 Esplanade Way, Room 225F, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: Issues related to provider contracts for the long-term care community diversion projects under Section 430.705, F.S., and information of interest to any existing providers or potential providers of services under that section.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Statewide Community Based Services, (850)414-2140, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Elder Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Elder Affairs** announces a meeting for Aging Network Stakeholders to which all persons are invited:

DATE AND TIME: Friday, June 4, 2004, 11:00 a.m. – 5:30 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-term care service delivery for the elders of Florida; strategic planning.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Elder Affairs, (850)414-2000, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Elder Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Elder Affairs** will hold a conference call with the signers of the Triad Resolution and other interested parties.

DATE AND TIME: Thursday, June 3, 2004, 11:00 a.m.

PLACE: Call in number – (850)414-1711 or Suncom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters related to the Statewide Triad.

For a copy of the agenda contact: Ann Getman, (850)414-2072 or Suncom 997-2072.

The Florida **Department of Elder Affairs** announces a public meeting of the Guardianship Task Force to be conducted by conference call to which all persons are invited.

DATE AND TIME: May 18, 2004, 3:00 p.m. – 5:00 p.m.

PLACE: Callers within Tallahassee 921-5230, Callers outside Tallahassee (toll free) 1(888)816-1123, Suncom 291-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Guardianship Task Force will be addressing issues of education as it relates to guardianship and incapacity. The

public meeting will also include time to receive comments from the public on education as it relates to guardianship and incapacity.

Written public testimony may be mailed to: Guardianship Task Force, Statewide Public Guardianship Office, 4040 Esplanade Way, Suite 315-M, Tallahassee, Florida 32399-7000, Fax (850)414-2384, e-mail: Sean Griffith, griffithsp@elderaffairs.org.

Any person requiring special accommodations to participate in this meeting is asked to advise the Statewide Public Guardianship Office at least 48 hours before the meeting by contacting: Mr. Sean Griffith, (850)414-2381. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The Florida **Department of Elder Affairs** announces the Guardianship Task Force's sixth public meeting to which all persons are invited.

DATE AND TIME: May 21, 2004, 9:30 a.m. – 5:00 p.m.

PLACE: St. Thomas University's Convocation Hall (located in the University's Main Library), 16401 N. W. 37th Avenue, Miami Gardens, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Guardianship Task Force will be addressing issues of guardianship and incapacity as directed by Senate Bill 2568 (2003). The public meeting will also include time to receive comments from the public on guardianship and incapacity. Public testimony is scheduled to begin at 10:00 a.m.

Written public testimony may be mailed to: Guardianship Task Force, Statewide Public Guardianship Office, 4040 Esplanade Way, Suite 315-M, Tallahassee, Florida 32399-7000, Fax (850)414-2384, e-mail: Sean Griffith, griffithsp@elderaffairs.org.

Any person requiring special accommodations to participate in this meeting is asked to advise the Statewide Public Guardianship Office at least 48 hours before the meeting by contacting: Mr. Sean Griffith, (850)414-2381. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Hospital Guide Work Group to which all interested parties are invited.

DATE AND TIME: Wednesday, June 2, 2004, 10:00 a.m.

PLACE: Agency for Health Care Administration, First Floor Conference Room, 2727 Mahan Drive, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study available data on hospital services, quality indicators or other data and make recommendations for publication and dissemination to consumers.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, June 9, 2004, 10:30 a.m. – 3:00 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Make recommendations for drugs to be included on the Preferred Drug List.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott, (813)879-5151, at least five days prior to the meeting.

Members of the public who wish to testify at this meeting must call Julie Davis, (850)487-4441, by June 2, 2004. The number of speakers will be limited and will be accommodated in order of notification to Ms. Davis. The procedures for speakers to follow are available on the Agency's website at www.fdhc.state.fl.us.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Black Business Investment Board**, Recertification Task Force (RTF) will hold their committee meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, May 18, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Teleconference

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 Florida **Board of Architecture and Interior Design** announces the following meeting, to be held by teleconference, which all persons are invited to attend.

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

PLACE: Toll free outside of Tallahassee 1(800)416-4254, Direct (850)922-2903, Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 16, 2004, 10:00 a.m. (EST)

PLACE: Via telephone conference – To connect, dial (850)414-1708 or Suncom 994-1708

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: The Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399 or by calling (850)922-6096.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting (850)922-6096. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: May 25, 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 **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, July 14, 2004, 2:00 p.m.; Thursday, July 15, 2004, 8:00 a.m.; Friday, July 16, 2004, 8:00 a.m.

PLACE: The Ritz-Carlton, 1111 Ritz-Carlton Drive, Sarasota, FL 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days

prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 04 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, August 11, 2004, 2:00 p.m.; Thursday, August 12, 2004, 8:00 a.m.; Friday, August 13, 2004, 8:00 a.m.

PLACE: DoubleTree Grand Key Resort, 3990 South Roosevelt Blvd., Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD), 1(800)955-8770 (Voice).

The Florida **Electrical Contractors' Licensing Board** (ECLB) announces Official Board Meetings to which all interested persons are invited. The previously scheduled May 12-14, 2004 meeting of the ECLB meeting has been POSTPONED until May 26-28, 2004.

DATE AND TIME: May 26, 2004, 8:30 a.m. or soon thereafter
GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting. (closed to the public)

DATE AND TIME: May 26, 2004, 10:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings and General Business Meeting.

DATE AND TIME: May 27, 2004, 8:30 a.m. or soon thereafter
GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting and Legislative and Rules Workshop.

DATE AND TIME: May 28, 2004, 8:00 a.m. or soon thereafter
GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative and Rules Workshop and Official Board Meeting

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888

The Board will conduct Committee Meetings; General Business Meetings; consider the Recommended Order in DOAH Case No. 03-4601, Paul Moley Hall vs. DBPR; and a Legislative and Rules Workshop.

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence at the Electrical Contractors' Licensing Board at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Landscape Architecture** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: May 25, 2004, 10:00 a.m. Eastern Standard Time

PLACE: Access Phone – (850)922-7892, Suncom 292-7892, Toll Free 1(800)416-4132

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Professional Surveyors and Mappers** announces a Probation Review Committee, Continuing Education Committee, Application Review Committee, Minimum Technical Standards Rules Workshop, and a General Business Meeting. All interested parties are invited to attend at the address listed below.

DATE AND TIME: July 14, 2004, 8:00 a.m., Continuing Education Committee meeting followed by a Application Review Committee meeting, followed by a Minimum Technical Standards Rules Workshop followed by a General Business Meeting, if time allows.

DATE AND TIME: July 15, 2004, 8:00 a.m., Probation Review Committee meeting followed by a General Business meeting

PLACE: Hawthorn Suites, 7450 Augusta National Drive, Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756, (850)487-1395.

Persons 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 Monday, July 12, 2004.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: June 10, 2004, 8:00 a.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-7154, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following meeting of the Probable Cause Panel:

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

PLACE: Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting John Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all persons are invited.

DATE AND TIME: Monday, June 7, 2004, 9:00 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).

The **Florida Real Estate Appraisal Board** (FREAB) announces a meeting to which all persons are invited.

DATES AND TIMES: Monday, June 7, 2004, 1:00 p.m. or the soonest thereafter; reconvening Tuesday, June 8, 2004, 8:30 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, 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).

A copy of the agenda may be obtained by writing: Ashley Dashnaw, Regulatory Specialist III, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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 **Correctional Medical Authority** announces a conference call meeting to be held by telephone to which all persons are invited:

DATE AND TIME: May 19, 2004, 9:00 a.m. – 10:00 a.m.

PLACE: Telephone Number: 922-2903, Suncom 292-2903, Toll-Free 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin #B04, Tallahassee, FL 32399-1732, (850)410-1450

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The Florida **Board of Medicine**, Expert Witness Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Tuesday, May 25, 2004, 12:00 Noon

PLACE: Contact Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Finance Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, May 26, 2004, 12:00 Noon

PLACE: Contact Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Quality Assurance Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, June 3, 2004, 3:30 p.m.

PLACE: Hyatt Regency, Two Tampa City Center, Tampa, FL 33602, (813)225-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, June 3, 2004, immediately following the Quality Assurance Committee Meeting

PLACE: Hyatt Regency, Two Tampa City Center, Tampa, FL 33602, (813)225-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, June 4-5, 2004, 8:00 a.m.

PLACE: Meet me Number: Hyatt Regency, Two Tampa City Center, Tampa, Florida 33602, (813)225-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, June 4, 2004, immediately following the Board Meeting

PLACE: Meet me Number: Hyatt Regency, Two Tampa City Center, Tampa, Florida 33602, (813)225-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Board of Nursing**, Certified Nursing Assistant Council Meeting announces public meeting, to which all persons are invited.

DATE AND TIME: June 9, 2004, 12:00 Noon – 1:00 p.m.

PLACE: Hilton Tampa Airport Westshore, 2225 N. Lois Avenue, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop on CNA Exam Cut Score Study.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Nursing** announces public meeting, to which all interested persons are invited.

DATE AND TIME: June 9, 2004, 4:00 p.m. – 6:00 p.m.

PLACE: Hilton Tampa Airport Westshore, 2225 N. Lois Avenue, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Information Workshop on the Multi-State Nursing Licensure Compact. Boards of Nursing Staff will present information on the development and implementation of the Multi-State Nursing Licensure Compact. Copies of the model compact may be found on the National Council web site: www.ncsbn.org.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: June 23, 2004, 6:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: June 16, 2004, 8:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Florida Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

DATES AND TIMES: June 3, 2004, 6:30 p.m. or soon thereafter; June 4, 2004, 8:00 a.m. or soon thereafter

PLACE: The Double Tree Galleria, 2670 East Sunrise Blvd., Ft. Lauderdale, Florida 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting/Rules Workshop.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting: Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care**, Probable Cause Panel announces a closed meeting by conference call.

DATE AND TIME: June 29, 2004, 10:00 a.m. or soon thereafter

PLACE: The meet-me-number may be obtained by contacting: Ivy Shivers, Regulatory Supervisor, Medical Therapies/Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4372

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting: Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Electrolysis Council, under the **Board of Medicine** announces a conference call to which all persons are invited.

DATE AND TIME: May 27, 2004, 2:00 p.m. or soon thereafter

PLACE: (850)921-6513, Suncom 291-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Electrolysis Council Financial Information.

A copy of the agenda may be obtained by writing: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by calling the council office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the council office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Policy Committee

DATE AND TIME: Friday, May 20, 2004, 2:00 p.m. – 4:00 p.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Friday, May 28, 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 #2004/02 for Feasibility Study 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.

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, June 1, 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:

The Lakes at San Marcos, a 312-unit multifamily residential rental development to be located at 6595 Capital Circle, South East, Tallahassee, Leon County, Florida 32305. The prospective owner of the proposed development is CMP CHP San Marcos Ltd., c/o CHP Housing Development LLC and Camden Management Partners Inc., 241 Peachtree Street, Atlanta, Georgia 30303, or such successor in interest in which CHP Housing Development LLC and Camden Management Partners Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$15,600,000.

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), Friday, May 28, 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission** (FWC) announces a series of two public meetings relating to the use of dogs for deer hunting, to which all interested persons are invited.

DATE AND TIME: Wednesday, May 26, 2004, 7:00 p.m. – 9:00 p.m.

PLACE: Columbia County School Board Auditorium, 528 W. Duval Street, Lake City, Florida

DATE AND TIME: Thursday, May 27, 2004, 7:00 p.m. – 9:00 p.m. CDT

PLACE: Chipola Community College Art Center, 3094 Indian Circle, Marianna, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At the April 14, 2004, meeting of the Fish and Wildlife Conservation Commission, Commission members directed staff to identify ways to resolve conflicts associated with the use of dogs for deer hunting, particularly where dogs are trespassing onto private property. The purpose of these public meetings is to request suggestions from the public on how to deal with this issue, discuss options developed by others, and review drafts of possible changes in regulations. Public input will be considered as recommendations are developed for the next Commission meeting scheduled for June 9, 2004, at Marco Island, Florida. Any proposed rule changes will be considered in concept at this June 9 meeting along with public comment; rule changes will not be considered for adoption at this Commission meeting.

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 call (850)488-9542.

For further information contact: John Ault, 3377 E. U.S. Hwy 90, Lake City, Florida, (386)758-0525 or Cory R. Morea, 5300 High Bridge Road, Quincy, Florida 32351, (850)627-9674.

The **Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement** announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: June 8, 2004, 8:00 a.m.

PLACE: Radisson Suite Beach Resort on Marco Island, 600 South Collier Boulevard, Marco Island, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Bryant Building, Tallahassee, Florida 32399-1600, or by calling Ms. Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Cindy Hoffman, ADA Coordinator, (850)488-6411, at least five calendar days before the meeting.

The **Florida Fish and Wildlife Conservation Commission** has scheduled a public meeting. This notice announces the date, time and place of that meeting to which all interested persons are invited:

DATES AND TIME: June 9-11, 2004, 8:30 a.m. each day

PLACE: Radisson Suite Beach Resort, 600 South Collier Boulevard, Marco Island, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Blue Crab Advisory Board, to which all interested persons are invited:

DATE AND TIME: June 4, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Hilton Ocala, 3600 S. W. 36th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Crab Advisory Board of the Fish and Wildlife Conservation Commission will convene to receive the results of workshops seeking comment on development of a blue crab effort management plan. The Board will discuss possible options for such a plan and consider what recommendations to make to the Commission.

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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Fish and Wildlife Conservation Commission announces a public workshop concerning marine commercial fishery issues, to which all interested persons are invited:

DATE AND TIME: June 8, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: Radisson Suite Beach Resort, 600 Collier Boulevard, Marco Island, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workshop to discuss issues of mutual concern with interested members and representatives of the marine commercial fishing industry.

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 five 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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services**, Deferred Compensation Advisory Council announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 19, 2004, 9:00 a.m.

PLACE: The Hermitage Centre, Conference Room 415, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and general session meeting of the Council.

For more information about the meeting or a copy of the agenda contact: Kandi Winters, Chief of Deferred Compensation, 1801 Hermitage Blvd., Suite 400, Tallahassee, FL 32308.

The Enterprise Resource Planning Integration Task Force (ERPI TF), of the Florida Financial Management Information System (FFMIS) Coordinating Council announce the following public meeting to which all persons are invited:

Task Force Meeting

DATE AND TIME: Thursday, May 27, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: University Center Club, Tallahassee, Florida

Please Note: The above date, time and place of the meeting are tentative. It may be necessary to reschedule this meeting and additional interim meetings of the Task Force may be required. GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled ERPI TF meeting to review the results from the Task Force's Information Needs Analysis, review the vision statement and set priorities for the task force staff for next year.

Information regarding scheduled times and dates can be sent to: Don Northam, Staff Director, ERPI TF, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)488-7265, e-mail: northamd@dfs.state.fl.us

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** announces scheduling of a Management Board Meeting to which all persons are invited.

DATE AND TIME: Friday, May 14, 2004, 9:00 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on the FY04 Annual Work Plan and budget and acceptance of the annual audit report. Information will be provided on the Low Impact Development Workshop and the Tidal Streams and Rivers Initiative.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Management Board to any matter considered at the above cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Estuary Program** announces scheduling of a Policy Board Meeting to which all persons are invited.

DATE AND TIME: Friday, May 14, 2004, 1:00 p.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on the FY04 Annual Work Plan and budget and acceptance of the annual audit report. Information will be provided on the Low Impact Development Workshop and the Tidal Streams and Rivers Initiative.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Policy Board to any matter considered at the above cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

FLORIDA LEAGUE OF CITIES

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Sta. 768.28 and 163.01, announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, May 21, 2004, 9:30 a.m.; Saturday, May 22, 2004, 9:00 a.m.

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida, (904)261-6161

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

SCRIPPS FLORIDA FUNDING CORPORATION

The Audit Committee Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Monday, May 24, 2004, 4:00 p.m. – 5:00 p.m.

PLACE: 505 South Flagler Drive, 8th Floor Conference Room, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to review the proposal for auditing scope and select an auditor.

The date, time, and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/otted/index.html> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com, at least 48 hours in advance of the meeting.

FLORIDA PEST MANAGEMENT ASSOCIATION

The **Florida Pesticide Applicators Alliance** (FPAA) announces a meeting to which all interested persons are invited.

DATE AND TIME: May 27, 2004, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Pest Management Association (FPMA), 6882 Edgewater Commerce Parkway, Orlando, FL

CONTACT: FPMA, (407)293-8627

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, May 27, 2004, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Commission relating to its statewide pooled commercial paper program.

ASSOCIATION OF CENTERS FOR INDEPENDENT LIVING

The **Florida Assoc. of Centers for Independent Living** announces the following meeting:

MEETING: Florida Association of Centers for Independent Living Quarterly Meeting

DATE AND TIME: Thursday, May 27, 2004 1:30 a.m. – 3:30 a.m. (EST)

PLACE: Hilton St. Petersburg, 333 1st St., South, St. Pete, FL 33701, 1(727)894-5000

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meeting:

MEETING: Program Committee Meeting

DATE AND TIME: Tuesday, June 1, 2004, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, June 2, 2004, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Steering/Outreach Committee Meeting

DATE AND TIME: Tuesday, June 8, 2004, 1:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday, June 9, 2004, 10:30 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Friday, June 11, 2004, 1:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Program Committee Meeting
 DATE AND TIME: Tuesday, June 15, 2004, 10:00 a.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Points Committee Meeting
 DATE AND TIME: Wednesday, June 16, 2004, 10:00 a.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Advocacy Committee Meeting
 DATE AND TIME: Thursday, June 17, 2004, 2:00 p.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Florida Independent Living Council Quarterly Meeting
 DATE AND TIME: Wednesday, July 14, 2004, 9:00 a.m.
 PLACE: Caribe Royale, 8101 World Center Drive, Orlando, FL 32821
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

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

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors’ announces a public meeting to which all interested parties are invited:

BOARD OF GOVERNORS’ QUARTERLY MEETING
 DATE AND TIME: Wednesday, July 28, 2004, 9:00 a.m.
 PLACE: Hyatt Regency Pier Sixty Six, 2301 S. E. 17th Street Causeway, Ft. Lauderdale, FL 33316
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting, (850)224-7676, Ext. 301.

**Section VII
 Notices of Petitions and Dispositions
 Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on April 30, 2004, from Mitchell and Associates regarding whether Section 1003.3.1, Florida Building Code, Plumbing Volume, requires a grease trap and grease interceptor to be located in a bar that has no food service facilities.

It has been assigned the number DCA04-DEC-090.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement In Re: Petition for Declaratory Statement, Atlantic Resort Development, Ltd., Docket #2003087940.

WHEREFORE, Atlantic Resort Development, Ltd. must include all amendments to the Declaration of Vacation Ownership Plan for Westgate Miami Beach that are matters of public record in its public offering statement and further disclose the litigation in which it is involved pursuant to Section 721.07(5), Florida Statutes.

A copy of the Declaratory Statement, Docket Number 2003087940, 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.

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:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

Sealed bids, addressed to the Florida Department of Education and marked "Sealed Bid," will be received in the offices of the Commissioner of Education no later than 5:00 p.m. (EDT), June 3, 2004.

Bids shall include proposals for furnishing instructional materials effective April 1, 2005, for a period of six years in the areas of 6-12 Drama, 9-12 Humanities, 6-12 Journalism, 6-12 Speech and Debate, and K-12 Social Studies. A detailed list of the selection criteria may be obtained by accessing the Instructional Materials Office website at <http://www.firm.edu/doe/instmat/home0015.htm>. The bid shall state the lowest wholesale price at which the materials will be furnished, f.o.b. to the Florida depository of the bidder.

Official minimum standards and specifications for paper, printing, binding, binderboard, and cover fabric have been adopted by the Department of Education and are available for inspection in Room 444, Turlington Building.

Each bidder shall furnish specimen copies of all materials submitted for adoption at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional materials committee and copies furnished to district superintendents as provided in Section 1006.33, Florida Statutes.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

CALL FOR BIDS:

Made by the "University of North Florida, Board of Trustees, a public body corporate"

PROJECT NAME, NUMBER & LOCATION: Additions to Multi-Purpose Building (Storage Buildings)

University of North Florida – 4567 St. Johns Bluff Road, Jacksonville, Florida 32245.

GENERAL SCOPE: One story addition and one story detached storage buildings.

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: Tuesday, June 15, 2004, 2:00 p.m.

PLACE: University of North Florida, Building 6, 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 Architects/Planners, Inc., 8111 Old Kings Road, South, Jacksonville, Florida 32217, (904)731-4033

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: Thursday, May 27, 2004

PLACE: University of North Florida, Building 6, 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.

The School Board of Bradford County will open bids on May 25, 2004 for the following bids.

10:00 a.m.	Food	#4-0525-1
10:10 a.m.	Paper	#4-0525-9
10:20 a.m.	Ice-cream	#4-0525-4
10:30 a.m.	Small-wares	#4-0525-5

Bid packets may be requested from: Wanda Bolin, (904)966-6002

Notice to Bidders

The School District of Lee County, Florida
Department of Procurement Services

**BID REQUEST FOR:
SNACK PRODUCTS**

FOR FOOD AND NUTRITION SERVICES

Bid No. 6194

Opening Date: Friday, May 28, 2004, 2:00 p.m.

Request a bid package by:

Phone (239)479-4250, Fax (239)337-8200, In Person or Mail:
3308 Canal Street, Fort Myers, Florida 33916-6594

Requests must be received by May 21, 2004, 2:00 p.m.

Complete Bid Package available only upon request.

**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."

WORKFORCE ALLIANCE

**REQUEST FOR PROPOSALS FOR
MONITORING SERVICES**

Workforce Alliance, Inc. (Alliance) is accepting proposals to obtain the services of an accounting firm whose principal officers are independent Certified Public Accountants for monitoring of the Alliance and its contracts to ensure compliance with all applicable state/federal laws & regulations, applicable administrative instructions & contract terms. The deadline for receipt of RFP responses is 6/9/04, at

5:00 p.m. eastern daylight time, as determined by Alliance at Alliance’s administrative office 2051 Martin Luther King, Jr. Blvd., Suite 136, Riviera Beach, FL 33404 without exception. The RFP is available for pickup between the hours of 8:00 a.m. and 5:00 p.m. at the Alliance administrative office address stated above for a non-refundable service charge of \$20 per RFP application. The RFP is also available free of charge on Alliance’s website: www.pbeworks.com. Click on the link “Doing Business With Us”. Alliance may change scheduled dates if it is to the advantage of Alliance to do so. A bidder’s conference to answer questions regarding the RFP will be held at Alliance’s administrative office on 5/21/04 at 2:00 p.m. The Alliance complies with the provisions of the Americans With Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the Alliance at least 72 hours (3 days) in advance. Alliance encourages women and minority businesses to submit proposals. Alliance reserves the right to reject any or all proposals.

FLORIDA NETWORK OF YOUTH AND FAMILY SERVICES

INVITATION TO NEGOTIATE

The Florida Network of Youth and Family Services, Inc. (FNYFS) announces the availability of an Invitation to Negotiate (ITN). It is the intent of this ITN to obtain qualified respondents interested in participating in contract negotiation with the FNYFS for the provision of Community-Based services located in specified Judicial Circuits and in specified counties.

These services will include:

- screening
- assessment
- referral
- non-residential services
- court management
- case staffing
- temporary shelter services
- staff secure shelter services
- case management
- crisis intervention
- outreach services
- data collection and management

and other services to eligible youth and families as defined in Chapter 984, Florida Statutes.

The Purpose, Areas to be Served, Respondent Eligibility, Expected Outcomes, Calendar of Events, General Terms and Conditions, Mandatory Requirements and Selection Process are included in the ITN.

Copies of the ITN can be downloaded from the FNYFS web site (www.floridanetwork.org) or copies can be requested by writing: Terry DeCerchio, 2850 Pablo Avenue, Tallahassee, FL 32309 or call (850)922-4324.

Any modifications that occur to the ITN will be posted at the web site.

Not later than May 20, 2004 by 4:00 p.m., questions concerning conditions and specifications of this ITN must be sent in writing via mail to the above address or via e-mail to the following address: Terry@floridanetwork.org. Telephone inquiries regarding the above will not be responded to. The deadline for submitting proposals for this ITN is June 3, 2004. The FNYFS will not accept telegraphic, facsimile or electronically transmitted proposals. Selected applicants will be expected to begin services on July 1, 2004.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.:	BLIVR-1104-003
DATE RECEIVED:	April 28, 2004
DEVELOPMENT NAME:	SABLE RESORTS, INC.
DEVELOPER/AGENT:	Sable Resorts, Inc./
DEVELOPMENT TYPE:	28-24.026, 28-24.023, F.A.C.
LOCAL GOVERNMENT:	Broward County

DCA Final Order No.: DCA04-OR-046

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTYLAND DEVELOPMENT
REGULATIONS ADOPTED BY MONROE COUNTY
ORDINANCE NO. 047-2003

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On February 10, 2004, the Department received for review Monroe County Ordinance No. 047-2003 which was adopted by the Monroe County Board of County Commissioners on December 17, 2003 (“Ord. 047-2003”). The

purpose of Ord. 047-2003 is to amend Section 9.5-266 of the Monroe County Land Development Regulations. Ord. 047-2003 amends the Affordable and Employee Housing Regulations to allow market rate housing in Suburban Commercial and Mixed Use zoning districts developed in conjunction with affordable or employee housing to also be eligible to receive Rate of Growth Ordinance (ROGO) points as infill development under Section 9.5-122(3)(a)(1) of the Monroe County Land Development Regulations.

3. Ord. 047-2003 is consistent with the County’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 047-2003 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 047-2003 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 047-2003 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 047-2003 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 Valerie J. Hubbard, Director
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT

REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of March 2004.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Murray Nelson
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DCA Final Order No.: DCA04-OR-084
DEPARTMENT OF COMMUNITY AFFAIRS
In re: CITY OF KEY WEST LAND DEVELOPMENT
REGULATIONS ADOPTED BY
CITY OF KEY WEST
ORDINANCE NO. 04-06

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2003), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On April 13, 2004, the Department received for review City of Key West Ordinance No. 04-06, which was adopted by the City of Key West City Commission on April 6, 2004 ("Ord. 04-06"). Ord. 04-06 amends Section 90-52 of the Code of Ordinances to provide for uniform expiration dates for the terms of Planning Board members.
3. Ord. 04-06 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2003).
7. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2003) and Rule 28-36.001, Fla. Admin. Code.
8. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 04-06 are land development regulations.

9. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.

10. Ord. 04-06 promotes and furthers the following Principles in subsection 28-36.003(1), Fla. Admin. Code:

(a) To strengthen local government capabilities for managing land use and development.

12. Ord. 04-06 is not inconsistent with the remaining Principles. Ord. 04-06 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-06 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
 Valerie J. Hubbard, Director
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN

OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 29th day of April, 2004.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
The Honorable Jimmy Weekley
Mayor, City of Key West
P. O. Box 1409
Key West, Florida 33041

Cheryl Smith
Clerk to the City Commission
P. O. Box 1409
Key West, Florida 33041

Robert Tischenkel
City Attorney
P. O. Box 1409
Key West, FL 33041
By Hand Delivery or Interagency Mail:

Jim Quinn, Bureau of State Planning, DCA Tallahassee
Rebecca Jetton, ACSC Administrator, DCA Tallahassee
Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

DCA Final Order No. DCA O4-OR-085

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF KEY COLONY BEACH
ORDINANCE NO. 370-2004

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat. (2003), and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by the City of Key Colony Beach as set forth below.

FINDINGS OF FACT

1. On March 17, 2004, the Department received for review City of Key Colony Beach Ordinance No. 370-2004, which was adopted by the City of Key Colony Beach Board of City Commissioners on March 11, 2004 ("Ord. 370-2004"). The purpose of Ord. 370-2004 is to amend the Land Use District Map, changing the designation from Single Family Residential (R-1A) to Public Recreation (PR) for property described as Lot 8, Vista Del Sol Subdivision and the metes and bounds parcel adjacent thereto. The City previously amended the Future Land Use Map (FLUM) for this parcel from Single Family Residential to Recreation, and this change will make the parcel's zoning consistent with the FLUM.

2. Ord. 370-2004 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

4. The City of Key Colony Beach is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 370-2004 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2003).

7. Ordinance 370-2004 is consistent with the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(1) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

8. Ordinance 370-2004 is not inconsistent with the remaining Principles. Ord. 370-2004 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 370-2004 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT

REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of April, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:
The Honorable Edward Sheahan
Mayor of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051

Vicki L. Bollinger
Clerk of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051

DCA Final Order No. DCA O4-OR-086

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF KEY COLONY BEACH
ORDINANCE NO. 371-2004

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat. (2003), and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by the City of Key Colony Beach as set forth below.

FINDINGS OF FACT

1. On March 17, 2004, the Department received for review City of Key Colony Beach Ordinance No. 371-2004, which was adopted by the City of Key Colony Beach Board of City Commissioners on March 11, 2004 ("Ord. 371-2004"). The purpose of Ord. 371-2004 is to amend the Land Use District Map, changing the designation from Two Family Residential (R-2B) to Public Buildings and Grounds (PB) for property described as Lot 1, Yacht Club Subdivision. The City previously amended the Future Land Use Map (FLUM) for this parcel from Two Family Residential to Other Public, and this change will make the parcel's zoning consistent with the FLUM.

2. Ord. 371-2004 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

4. The City of Key Colony Beach is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 371-2004 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2003).

7. Ordinance 371-2004 is consistent with the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(1) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

8. Ordinance 371-2004 is not inconsistent with the remaining Principles. Ord. 371-2004 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 371-2004 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of April, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:
The Honorable Edward Sheahan
Mayor of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051

Vicki L. Bollinger
Clerk of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051

DCA Order No. DCA04-OR-088

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF LAYTON
ORDINANCE NO. 03-09-02:

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Layton is a local government within the Florida Keys Area.
2. On February 13, 2004, the Department received for review City of Layton Ordinance No. 03-09-02 which was adopted by the City Council on January 8, 2004 ("Ord. 03-09-02"). The purpose of Ord. 03-09-02 is to amend Part I, Section 8 of the City of Layton Land Development Regulations. Ord. 03-09-02 establishes a "Rate of Growth" system, establishes lottery dates for drawing of building allocations, and otherwise provides for applicable laws.
3. Ord. 03-09-02 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. The City of Layton is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 03-09-02 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2003). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 03-09-02 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 03-09-02 is not inconsistent with the remaining Principles. Ord. 03-09-02 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 03-09-02 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 Valerie J. Hubbard, Director
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of May, 2004.

Paula Ford, Agency Clerk
By U.S. Mail:
Honorable Carol MacLaren, Mayor
City of Layton
P. O. Box 400
Long Key, Florida 33001

Jean Murphy, City Clerk
City of Layton
P. O. Box 400
Long Key, Florida 33001

Tevis Reich, Esq.
Vernis & Bowling
81990 Overseas Highway
3d Floor
Islamorada, Florida 33036

DCA Final Order No.: DCA04-OR-100
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS
In re: MONROE COUNTYLAND DEVELOPMENT
REGULATIONS ADOPTED BY MONROE COUNTY
ORDINANCE NO. 046-2003

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On February 10, 2004, the Department received for review Monroe County Ordinance No. 046-2003 which was adopted by the Monroe County Board of County Commissioners on December 17, 2003 ("Ord. 046-2003"). The purpose of Ord. 046-2003 is to amend Section 9.5-124 of the Monroe County Land Development Regulations. Ord. 046-2003 amends the Non-Residential Rate Of Growth Ordinance (NROGO) to add a definition for "covered walkways", add regulations for covered outdoor non-residential floor area, prohibit NROGO exemptions for not-for-profit development proposed in lands targeted for acquisition by government agencies, and corrects an error in the Employee Housing Fair Share Impact Fee rate schedule.
3. Ord. 046-2003 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 046-2003 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See

Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 046-2003 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

9. Ord. 046-2003 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 046-2003 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL

ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY

RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of May, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Murray Nelson
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DCA Final Order No.: DCA04-OR-101
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS
In re: MONROE COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY MONROE COUNTY
ORDINANCE NO. 048-2003

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On February 10, 2004, the Department received for review Monroe County Ordinance No. 048-2003 which was adopted by the Monroe County Board of County Commissioners on December 17, 2003 ("Ord. 048-2003"). The purpose of Ord. 048-2003 is to amend Section 9.5-4, Definitions, of the Monroe County Land Development Regulations. Ord. 048-2003 adds definitions of the terms "Coastal Barrier Resources Systems" and "Conservation Land Protection Area."

3. Ord. 048-2003 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 048-2003 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 048-2003 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) To protect shoreline and marine resources including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

9. Ord. 048-2003 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 048-2003 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of May, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Murray Nelson
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DCA Final Order No.: DCA04-OR-102

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY MONROE COUNTY
ORDINANCE NO. 005-2004

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On March 8, 2004, the Department received for review Monroe County Ordinance No. 005-2004 which was adopted by the Monroe County Board of County Commissioners on February 18, 2004 ("Ord. 005-2004"). The purpose of Ord. 005-2004 is to amend Section 9.5-317(b)(1)b of the Monroe County Land Development Regulations. Ord. 005-2004 modifies certain regulations related to the Standards for Issuance of Building Permits in Areas of Special Flood Hazard.

3. Ord. 005-2004 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 005-2004 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 005-2004 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

9. Ord. 005-2004 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 005-2004 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO

SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY

RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of May, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Murray Nelson
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

NOTICE OF PROJECT APPROVAL AND FUNDING

The Florida Communities Trust (Trust) has approved funding applications submitted under the Florida Communities Trust Florida Forever Program, Series FF3 funding cycle. On October 2-3, 2003 applications were scored, ranked and selected for funding according to the criteria and procedures set forth in Rule Chapter 9K-7, F.A.C. In accordance with Rule 9K-7.009, F.A.C., the projects are considered to have received approval for funding. The funds awarded derive from the sale of Florida Forever bonds. Certain applications were selected for funding contingent upon funds becoming available either through other projects terminating, projects closing under budget, or interest accruals.

Those applications approved for funding and the amount of funding approved are listed below. The approval is subject to appeal and may change following the appeals process. For this reason, final approval of awards cannot be made until any appeals have been resolved.

The following projects were approved for funding with funds currently available:

Selected/Funded

Project No.	Project Name	Applicant	Amount
03-001-FF3	Stallworth Lake Preserve	Walton County	\$ 450,000.00
03-002-FF3	Fort Christmas Community Park	Orange County	\$ 230,619.80
03-003-FF3	Bob Graham Beach Addition	Martin County	\$ 1,293,575.00
03-004-FF3	Jensen Beach Impoundment	Martin County	\$ 772,500.00
03-006-FF3	Brooker Creek Preserve – Anclote River Additions	Pinellas County	\$ 4,261,000.00
03-010-FF3	Highland Scrub Addition	Broward County	\$ 579,261.80
03-011-FF3	Helene Klein Pineland	Broward County	\$ 1,370,666.00
03-012-FF3	Hillsboro Pineland	Broward County	\$ 1,712,000.00
03-014-FF3	Mills Pond Addition	Broward County	\$ 247,640.00
03-015-FF3	Alafia River Corridor	Hillsborough County	\$ 6,600,000.00
03-016-FF3	Dotzler Park	Charlotte County	\$ 1,350,000.00
03-017-FF3	Madden’s Hammock	Town of Miami Lakes	\$ 4,987,500.00
03-018-FF3	Lely Mitigation Park	Collier County	\$ 1,106,787.80
03-019-FF3	West Kendall District Park Addition	Miami-Dade County	\$ 344,854.00
03-020-FF3	Eau Gallie Square	City of Melbourne	\$ 101,840.00
03-022-FF3	Country Estates Open Space & Fishing Hole	Town of Southwest Ranches	\$ 808,000.00
03-023-FF3	Okee-Haschee Farms	Town of Southwest Ranches	\$ 1,498,000.00
03-024-FF3	Woodland Park Property	Seminole County	\$ 385,000.00
03-025-FF3	Southwest Meadows Sanctuary	Town of Southwest Ranches	\$ 1,958,870.00
03-026-FF3	Frontier Trails Conservation Area	Town of Southwest Ranches	\$ 1,687,500.00
03-029-FF3	Shingle Creek Upland Preserve	Osceola County	\$ 1,200,000.00
03-030-FF3	Lake Tohopekaliga Rec. Park	Osceola County	\$ 576,000.00
03-034-FF3	Key West Botanical Gardens Addition	City of Key West	\$ 3,381,000.00
03-035-FF3	Cocoa Beach Maritime Hammock	City of Cocoa Beach	\$ 610,617.00
03-038-FF3	Fort Mose Historic Park Addition	St. Johns County	\$ 1,060,725.00
03-040-FF3	St. Mary’s Shoal	Baker County	\$ 3,350,000.00
03-041-FF3	Goffinsville – Nassau River Park	Nassau County	\$ 486,560.00
03-043-FF3	Tamarac Preservation Park	City of Tamarac	\$ 1,616,264.00
03-044-FF3	St. Sebastian River Greenway	Marine Resources Council	\$ 3,100,000.00
03-045-FF3	Turkey Creek Blueway – Phase I	City of Palm Bay	\$ 149,220.00
03-046-FF3	McGirts Creek Expansion – Phase II	City of Jacksonville	\$ 2,389,250.00
03-048-FF3	Sal Taylor Creek Preserve	City of Jacksonville	\$ 1,049,494.00
03-051-FF3	Plantation Bay Wetland Preserve	City of Islamorada	\$ 1,430,000.00
03-055-FF3	Jetta Point Property	Seminole County	\$ 2,000,000.00
03-056-FF3	Lansing Property	Seminole County	\$ 440,000.00
03-059-FF3	City of Bonita Springs Island Park	City of Bonita Springs	\$ 104,433.34
03-060-FF3	Prairie Pines Preserve Addition	Lee County	\$ 2,729,222.50
03-061-FF3	Oak Hill Mosquito Lagoon Park	City of Oak Hill	\$ 385,121.00
03-064-FF3	Ponce Preserve First Addition	Town of Ponce Inlet	\$ 184,876.50
03-065-FF3	Santa Fe Lake Project	Bradford County – Santa Fe Land Trust	\$ 220,000.00
03-067-FF3	Tanyard Creek Preservation Park	City of Quincy	\$ 910,000.00
03-069-FF3	Capron Trail Park	St. Lucie County	\$ 1,185,486.00
03-073-FF3	“Preserve The Preserve”	Collier County	\$ 1,909,200.00
03-074-FF3	Bivens Branch	Alachua Conservation Trust	\$ 202,500.00
03-075-FF3	Moody Branch	Manatee County	\$ 2,338,000.00
03-077-FF3	Indrio Scrub 2	Marine Resources Council	\$ 1,375,000.00
03-079-FF3	Ten Mile Creek West	St. Lucie County	\$ 1,725,000.00
03-080-FF3	Mobby Bayou Preserve	Pinellas County-City of Oldsmar	\$ 175,000.00
03-081-FF3	River Tower Property	City of Tampa	\$ 1,450,000.00
03-082-FF3	Scionti Project	City of Tampa	\$ 1,713,620.00
03-083-FF3	South MacDill 48	City of Tampa	\$ 951,000.00
03-084-FF3	Orca South Link	Indian River County	\$ 88,000.00
03-086-FF3	PEAR Park Gateway	Lake County	\$ 2,362,500.00
03-087-FF3	Ocean Park Expansion	Town of Melbourne Beach	\$ 3,450,000.00
03-088-FF3	Winter Miles Oviedo	City of Oviedo	\$ 1,764,600.00
03-089-FF3	Mount Dora Recreation & Nature Park	City of Mount Dora	\$ 822,379.00
03-091-FF3	Cedar Point Park Addition	Lemon Bay Conservancy	\$ 217,200.00

03-092-FF3	Pal-Mar East Area I	Martin County	\$ 4,290,429.00
03-094-FF3	Alligator Point Preserve	Franklin County	\$ 2,600,00.00
03-095-FF3	St. George Island Marine Park	Franklin County	\$ 4,000,000.00
03-103-FF3	Chipola River Greenways Trail	City of Marianna	\$ 1,500,000.00
03-104-FF3	Leesburg Greenway Trail	City of Leesburg	\$ 3,884,861.25
03-105-FF3	Cypress Creek Natural Area	Palm Beach County	\$ 2,459,275.00

The following projects were not approved for funding with funds currently available:

Non-Funded

Project No.	Project Name	Applicant	Amount
03-053-FF3	Yates Creek	Taylor County	\$ 2,502,000.00
03-066-FF3	Marianna Performing Arts Park	City of Marianna	\$ 600,000.00
03-063-FF3	Orange Lake Overlook	Conservation Trust for Florida	\$ 3,236,000.00
03-102-FF3	Magnolia Ravine	City of Tallahassee	\$ 472,800.00
03-099-FF3	Timberlane Ravine – Phase II	Leon County – City of Tallahassee	\$ 993,000.00
03-013-FF3	Pembroke Park Preserve	Broward County – Town of Pembroke Pines	\$ 450,420.00
03-101-FF3	Lafayette Heritage Trail – Phase III	City of Tallahassee	\$ 246,000.00
03-009-FF3	Rolling Oaks Passive Park	Broward County – Town of Southwest R.	\$ 1,120,000.00
03-042-FF3	Indian River Lagoon Maritime Hammock	Marine Resources Council	\$ 1,570,000.00
03-106-FF3	Boca Grande Lighthouse Buffer	Gasparilla Island Cons.	\$ 6,600,00.00
03-076-FF3	St. Lucie Village School House	Town of St. Lucie Village	\$ 300,000.00
03-039-FF3	Windswept Acres	St. Johns County	\$ 451,600.00
03-068-FF3	Wild Turkey Strand Preserve	Lee County	\$ 2,530,804.98
03-058-FF3	Russell Property	City of Port Orange	\$ 678,500.00
03-090-FF3	Pinecrest Gardens Annex Addition	Village of Pinecrest	\$ 958,385.00
03-098-FF3	Parkland in East Largo Area	City of Largo	\$ 150,000.00
03-072-FF3	Lake Fannie Nature Preserve	Polk County – City of Winter Haven	\$ 1,909,500.00
03-100-FF3	Black Creek Greenway – Phase I	Leon County – City of Tallahassee	\$ 163,400.00
03-027-FF3	Curry Settlement Project Expansion	Reflections of Manatee, Inc.	\$ 6,600,000.00
03-008-FF3	Cypress Forest Park West	City of Oldsmar	\$ 387,500.00
03-031-FF3	Gadsden Comm. Recreational Park	Gadsden County	\$ 360,000.00
03-054-FF3	Taylor County Sports Complex	Taylor County	\$ 72,000.00
03-097-FF3	Mary Esther Narrows Waterfront Park	City of Mary Esther	\$ 1,278,407.00
03-005-FF3	Van Smith Park/Hammock House	City of South Miami	\$ 570,000.00
03-036-FF3	Old School Square Addition	City of Delray Beach	\$ 2,812,500.00
03-071-FF3	Reed Canal Park Expansion	City of South Daytona	\$ 221,500.00
03-028-FF3	Myakka Hammock	Wildlands Forever Trust, Inc.	\$ 2,650,000.00
03-093-FF3	Conservation Easement on Sandscrub LL	Treasure Coast RC&D Council	\$ 3,305,000.00
03-085-FF3	Tobie Wilson Park Land Acquisition	Town of Medley	\$ 160,000.00
03-096-FF3	Groveland Preserve	City of Groveland	\$ 5,430,000.00
03-032-FF3	Ponce de Leon Golf Course	City of St. Augustine	\$ 6,600,000.00
03-033-FF3	Village Park II	Village of Wellington	\$ 4,500,000.00
03-049-FF3	Northbank Riverwalk Park	City of Jacksonville	\$ 952,000.00
03-062-FF3	Old Oak Lodge Preserve	Sea Turtle Preservation Society	\$ 6,600,000.00

WITHDRAWN

03-052-FF3	London Tract	City of St. Augustine Beach	\$ 1,800,000.00
03-050-FF3	Seminole-Wekiva Trail	Seminole County	\$ 363,000.00
03-057-FF3	Crystal Lake Acquisition	City of Deerfield Beach	\$ 2,139,797.50
03-037-FF3	Limestone Creek Natural Area	Palm Beach County	\$ 1,174,983.00
03-007-FF3	Marcantonio Property	City of Port Orange	\$ 0.00
03-021-FF3	Hutchison-Long Bayou Park	City of Seminole	\$ 0.00
03-047-FF3	Yellow Water Creek Trailhead	City of Jacksonville	\$ 1,070,978.00
03-070-FF3	Carrabelle Wildlife Park	City of Carrabelle	\$ 0.00
03-078-FF3	Spring Run Nature Area	Washington County	\$ 0.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon

which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**Notice of Publication for a New Point Franchise
Motor Vehicle Dealer in a County of Less
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Yamaha Motor Corporation, U.S.A. intends to allow the establishment of Fast Ride, Inc, as a dealership for the sale of Yamaha motorcycles and Riva motor scooters at 5051 Southeast Federal Highway, Stuart, Martin County, Florida 34997.

The dealership is to be established on or after June 1, 2004. The name and address of the dealer operator and principal investor is Robert Maione, 4401 Southeast Federal Highway, Stuart, Florida 34997.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U. S. Mail to: Karen Ward, Yamaha Motor Corporation, U.S.A., 6555 Katella Avenue, Cypress, CA 90630.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of Morse Operations, Inc. d/b/a Ed Morse Sawgrass Auto Mall, as a dealership for the sale of Buick vehicles, from its present location at 1640 N. State Road 7, Lauderhill, FL 33313, to a proposed location at 14351 W. Sunrise Blvd., Sunrise, FL 33323, on or after April 15, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Morse Operations, Inc. d/b/a Ed Morse Sawgrass Auto Mall are dealer operator(s): Edward J. Morse, Jr., 6363 N. W. 6th Way, Ste. 400, Ft. Lauderdale, FL 33309; principal investor(s): Edward J. Morse, Jr., Edward J. Morse, Sr., and Elizabeth A. Beaver, 6363 N. W. 6th Way, Ste. 400, Ft. Lauderdale, FL 33309

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jody L. Huey, Dealer Contractual Manager, General Motors Corporation, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The 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 July 1, 2004.

Effective July 1, 2004, the Florida nursing home cost inflation index will be modified.

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 a modification to the Florida nursing home cost inflation index.

JUSTIFICATION: The justification for the proposed rate change is based on a recalculation of the Florida nursing home cost inflation index by the Agency.

The Agency is proposing the above changes effective July 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 June 2, 2004.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above to request a copy when they are available.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On May 3, 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 Alfred Estin Avery, M.D., license number ME 0048943. 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., June 4, 2004):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Premier Community Bank of Florida, Largo, Florida

Proposed Purchaser: Parish National Bank, Bogalusa, Louisiana

Received: April 28, 2004

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Premier Community Bank, Venice, Florida

Proposed Purchaser: Omni Financial Services, Inc., Atlanta, Georgia

Received: April 28, 2004

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Premier Community Bank of Southwest Florida, Ft. Myers, Florida

Proposed Purchaser: United Bancorporation of Alabama, Inc., Atmore, Alabama

Received: April 28, 2004

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.dbf.state.fl.us/banking/cu_expansion.html.

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Bay Gulf Credit Union, 3202 West Waters Avenue, Tampa, Florida 33614

Expansion Includes: Geographic Area

Received: May 3, 2004

Name and Address of Applicant: Florida Hospital Credit Union, Suite 402, South Tower, 601 East Rollins Street, Orlando, Florida 32803

Expansion Includes: Select group.

Received: May 5, 2004

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN April 26, 2004
 and April 30, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF EDUCATION
University of North Florida

6C9-1.013	4/26/04	5/16/04	Newspaper	
6C9-3.3002	4/26/04	5/16/04	Newspaper	

DEPARTMENT OF TRANSPORTATION

14-15.0081	4/30/04	5/20/04	30/9	
------------	---------	---------	------	--

STATE BOARD OF ADMINISTRATION

19-8.010	4/29/04	5/19/04	30/6	30/8
19-8.012	4/29/04	5/19/04	30/6	30/8
19-8.013	4/29/04	5/19/04	30/6	30/8
19-8.029	4/29/04	5/19/04	30/6	30/8
19-8.030	4/29/04	5/19/04	30/6	30/8

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

60A-1.006	4/26/04	5/16/04	30/13	
60A-1.030	4/26/04	5/16/04	30/13	

State Technology Office

60DD-1.002	4/30/04	5/20/04	30/4	
------------	---------	---------	------	--

Personnel Management System

60L-36.002	4/26/04	5/16/04	30/13	
------------	---------	---------	-------	--

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF HEALTH
Board of Acupuncture

64B1-7.0015	4/28/04	5/18/04	30/13	
-------------	---------	---------	-------	--

Board of Medicine

64B8-4.009	4/30/04	5/20/04	30/13	
64B8-13.005	4/30/04	5/20/04	30/13	

Board of Speech-Language Pathology and Audiology

64B20-2.001	4/28/04	5/18/04	30/11	
64B20-2.005	4/28/04	5/18/04	30/13	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.720	4/28/04	5/18/04	30/7	
-----------	---------	---------	------	--

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

690-149.002	4/28/04	5/18/04	30/3	
690-149.0025	4/28/04	5/18/04	30/3	30/8
690-149.003	4/28/04	5/18/04	30/3	30/8
690-149.004	4/28/04	5/18/04	30/3	
690-149.005	4/28/04	5/18/04	30/3	
690-149.006	4/28/04	5/18/04	30/3	
690-149.007	4/28/04	5/18/04	30/3	
690-149.021	4/28/04	5/18/04	30/3	30/8
690-149.023	4/28/04	5/18/04	30/3	
690-149.038	4/28/04	5/18/04	30/3	
690-149.044	4/28/04	5/18/04	30/3	
690-149.051	4/28/04	5/18/04	30/3	
690-149.052	4/28/04	5/18/04	30/3	
690-149.053	4/28/04	5/18/04	30/3	
690-149.054	4/28/04	5/18/04	30/3	
690-149.203	4/28/04	5/18/04	29/52	30/3
690-149.204	4/28/04	5/18/04	29/52	30/3
690-149.205	4/28/04	5/18/04	29/52	30/3
690-149.206	4/28/04	5/18/04	29/52	30/3
690-149.207	4/28/04	5/18/04	29/52	30/3
690-166.045	4/28/04	5/18/04	30/1	30/3