

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.”

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010
Insurer Reporting Requirements	19-8.029

PURPOSE AND EFFECT: The 2004 Legislature passed CS/CS/CS/CS for SB 2488 on Friday, April 30, 2004. Due to this legislation, emergency rules were necessary. On May 11, 2004, Emergency Rules 19ER04-1 (19-8.010) and 19ER04-2 (19-8.029), F.A.C., were filed and became effective. Pursuant to Section 120.54(4), Florida Statutes, these emergency rules are effective for only 90 days. Thus, the Florida Hurricane Catastrophe Fund (FHCF) is now entering into the rulemaking process to incorporate the changes made by the emergency rules into permanent rules.

SUBJECT AREA TO BE ADDRESSED: Contract requirements and insurer reporting requirements for the 2004-2005 contract year.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 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 IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300, (850)413-1340, available on the FHCF website www.sbafla.com/fhcf

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Patti Elsbernd, Management Assistant, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1346

DEPARTMENT OF CORRECTIONS

RULE TITLE:	RULE NO.:
Offender Grievance Procedure	33-302.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule.

SUBJECT AREA TO BE ADDRESSED: Offender grievance procedure.

SPECIFIC AUTHORITY: 944.09 FS., 45 CFR 164.530

LAW IMPLEMENTED: 944.09 FS., 45 CFR Part 160, 164

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:

33-302.101 Offender Grievance Procedures.

(1) No change.

(2) The following procedures outline the steps to be taken by an offender under field supervision, including an offender in pretrial intervention who has a complaint concerning actions on supervision. Steps for filing complaints, except in those complaints addressed in subsection (5) below, are:

(a) No change.

(b) If the offender is dissatisfied with the outcome of the verbal discussion with the officer, and the officer’s supervisor if the offender chooses to discuss the complaint verbally with the supervisor, the offender may submit a written grievance outlining the problem to the officer’s immediate supervisor for further review. The supervisor shall respond, in writing, with a response that attempts to resolve the issue, ~~within 20 calendar days of the receipt of the grievance. A copy of both the grievance and the supervisor’s response shall be forwarded to the circuit administrator for informational purposes. A copy of the grievance and all responses to the grievance shall be maintained in the offender file.~~

(c) In the event the issue is not resolved with the supervisor, the offender may forward her or his grievance, along with the supervisor’s response, to the circuit administrator for review. The circuit administrator shall respond to the offender in writing, with a response that attempts to resolve the issue, ~~within 20 calendar days of receipt of the grievance.~~

(d) In the event the issue is not resolved with the circuit administrator, the offender may forward her or his grievance, along with the circuit administrator’s response to the regional director of probation and parole for review. The regional director of probation and parole shall provide a written response, which attempts to resolve the issue, ~~within 20 calendar days of receipt of the grievance.~~

(e) In the event the issue is not resolved with the regional director of probation and parole, the offender may forward her or his grievance, along with the regional director of probation and parole's response, to the assistant secretary of probation and parole. The assistant secretary of probation and parole shall respond to the grievance within 30 days of receipt of the grievance.

(3) through (6) No change.

Specific Authority 944.09 FS., 45 CFR 164.530. Law Implemented 944.09 FS., 45 CFR Part 160, 164. History--New 5-28-86, Amended 10-1-89, 9-30-91, 2-15-98, Formerly 33-24.005, Amended 3-4-01, 7-30-01, 2-4-02, 5-12-02, 7-30-03,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Orientation RULE NO.: 33-302.109

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule.

SUBJECT AREA TO BE ADDRESSED: offender orientation.

SPECIFIC AUTHORITY: 944.09 FS., 45 CFR 164.520

LAW IMPLEMENTED: 944.09 FS., 45 CFR Part 160, 164

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:

33-302.109 Offender Orientation.

(1) Correctional probation officers shall meet with an offender within two working days of offender assignment or the onset of supervision to provide orientation to the offender as to the conditions of supervision and instructions regarding supervision.

(a) Orientation shall be in a language understood by the offender and accommodations shall be made in the event an offender has a documented disability or language barrier.

(b) Upon receipt of the offender file with the order of supervision, the correctional probation officer shall verify the information contained therein.

(2) Orientation topics shall include:

(a) An introduction explaining the role of the correctional probation officer in supervising the offender;

(b) A review of the offender's disposition or commitment information and supervision status;

(c) Instructions and review of all conditions of supervision, including:

~~1. Standard conditions of supervision established by statute including the following:~~

~~a. Reporting requirements;~~

~~b. Residence and employment;~~

~~c. Statutory employment restrictions;~~

~~d. Travel restrictions;~~

~~e. Violations of the law;~~

~~f. Supporting legal dependents;~~

~~g. Association with persons engaged in criminal activity;~~

~~h. Random substance abuse testing;~~

~~i. Possessing, carrying, or owning a firearm or weapon;~~

~~j. Use of intoxicants to excess or possessing non-prescription narcotics;~~

~~k. Cost of supervision;~~

~~l. Following instructions;~~

~~m. Answering inquiries truthfully; and,~~

~~n. Visits by the correctional probation officer to the offender's residence or other location within the community.~~

~~2. Instruction and review of any special conditions imposed by the court or releasing authority including:~~

~~a. Restitution;~~

~~b. Court costs, fines, or other financial obligations;~~

~~c. Public service work requirements;~~

~~d. Evaluation and treatment requirements;~~

~~e. Prohibitions against contact with the victim or victims;~~

~~f. Participation in education or self-improvement programs;~~

~~g. Participation in HIV or AIDS awareness programs;~~

~~h. Incarceration required as a condition of supervision;~~

~~i. Victim related special conditions; and,~~

~~j. Any other special conditions imposed by the court or releasing authority.~~

(2)(3) Offenders shall be provided an opportunity to ask questions or request clarification of any or all of the conditions of his or her supervision.

(a) After acknowledging an understanding of the conditions of supervision, the offender shall sign and date the orders of supervision. ~~If an offender refuses to sign and date the conditions of probation, the correctional probation officer shall make note of this on the orders of supervision.~~

(b) The offender shall be provided with a copy of the orders of supervision.

(4) Restoration of Civil Rights

(a) If the offender is convicted of a felony offense, the officer shall advise the offender that statutory employment restrictions may apply during the supervision period until the offender's rights are restored.

(b) If the offender was adjudicated guilty, the officer shall advise the offender that more information regarding the restoration of civil rights process shall be provided within 60 to 90 days of the offender's scheduled termination date. Within

~~60 to 90 days of the scheduled termination date, the officer shall utilize Form NII-027, Notification of Civil Rights Review Process, to review this process. Form NII-027 is incorporated by reference in Rule 33-302.111, F.A.C.~~

~~(e) The officer shall direct further questions regarding the civil rights review process to the Office of Executive Clemency.~~

~~(5) The correctional probation officer shall instruct on and review the information contained in Section 944.512, F.S., which prohibits all felons convicted in Florida or their assignees, from receiving any financial benefits from literary or cinematic accounts of crimes for which the offender was convicted and which empowers and sets guidelines for the courts to place liens upon proceeds payable or accruing to offenders, or their assignees.~~

~~(a) The correctional probation officer and offender shall sign and date an Acknowledgment of Understanding of Responsibilities for Notification of Involvement in Crimes Accounts, Form DC1-204, certifying that the offender has received instructions regarding requirements stated in Section 944.512, F.S. Form DC1-204 is hereby incorporated by reference. A copy of this form may be obtained 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 July 19, 2001.~~

~~(b) The correctional probation officer shall provide the offender with a copy of the executed Form DC1-204 and place the original in the offender file.~~

~~(6) The correctional probation officer shall instruct on and review the information contained in the Instructions to the Offender, Form DC3-246. Form DC3-246 is hereby incorporated by reference. A copy of this form may be obtained 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 January 6, 2004.~~

~~(a) The contents of Form DC3-246 include:~~

- ~~1. The offender grievance procedure;~~
- ~~2. The means whereby the offender may obtain twenty-four hour emergency access to the correctional probation office or officer;~~
- ~~3. Drug testing procedures;~~
- ~~4. Criminal registration requirements;~~
- ~~5. Firearms prohibition instructions; and,~~
- ~~6. Employer notification instructions.~~

~~(b) The correctional probation officer and offender shall sign and date Form DC3-246, Instructions to the Offender, certifying that the offender has received orientation regarding the topics listed in section (6)(a).~~

~~(c) The original executed Form DC3-246 shall be placed in the offender file and a copy shall be provided to the offender.~~

~~(3)(7) No change.~~

Specific Authority 944.09 FS., 45 CFR 164.520 Law Implemented 20.315, 944.09 FS., 45 CFR Part 160, 164. History—New 7-19-01, Amended 9-15-02, 7-30-03, 1-6-04.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Written Monthly Reports
 RULE NO.: 33-302.110

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: delete obsolete and unnecessary language; emphasize offender reporting responsibilities; and require provision of additional information on each monthly report to the supervising officer.

SUBJECT AREA TO BE ADDRESSED: Monthly supervision reports.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.110 Written Monthly Reports.

(1) ~~The offender~~ Correctional probation officers shall inform the offender, at the time orientation is provided, that she or he is required to submit a full and truthful report to the officer on a monthly basis, unless otherwise specified by the supervision order.

(a) ~~Form DC3-268, Written Monthly Report, is the form offenders shall submit on a monthly basis to their correctional probation officer. Form DC3-268 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is August 1, 2001.~~

(b) ~~The Written Monthly Report, Form DC3-268, requires~~ The offender shall provide information relating to activities for the previous month, including:

- ~~(a)1.~~ The offender's place of residence;
- ~~(b)2.~~ The offender's place of employment;
- ~~(c)3.~~ The offender's gross income earned monthly;
- ~~(d)~~ The offender's effective date of unemployment (if applicable), reason for unemployment, and source of income during the unemployed period;
- ~~(e)~~ The offender's number of dependents;
- ~~(f)~~ Information regarding offender's second job (if applicable);

(g)4. Payments made by the offender including restitution, court costs, cost of supervision, or other monetary obligations imposed by the court or releasing authority;

(h) ~~If monthly monetary obligation payment was not met, reason monetary obligation was not paid;~~

~~(i)5- Problems experienced by the offender; and,~~

~~(j)6- Other information that needs to be discussed with the correctional probation officer during the required office visit.~~

(2) Upon receipt, the correctional probation officer shall review the report, discuss changes or concerns, and document receipt of the report in case notes. Written Monthly Report, Form DC3-268, submitted by the offender under his or her supervision to:

~~(a) Ensure the report is complete;~~

~~(b) Identify status changes not reported previously in employment, residence, or arrest activity;~~

~~(c) Identify problems occurring during the month that the offender wishes to discuss further;~~

~~(d) Review any difficulties or irregularities;~~

~~(e) Determine necessary action to rectify any difficulties or irregularities; and,~~

~~(f) Make referrals in order to assist the offender with community resources and services available, as necessary.~~

(3) ~~The correctional probation officer shall sign and date Form DC3-268 to acknowledge the report was reviewed. He or she shall also document receipt of Form DC3-268 in the electronic case notes, including any additional instructions given to the offender or information obtained during the office visit.~~

(4) ~~The original copies of all of the Written Monthly Reports submitted by an offender will be maintained by the correctional probation officer in the offender's file.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 8-1-01, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: Florida Hospital Uniform Reporting System
PURPOSE AND EFFECT: The Agency intends to begin rule development to implement changes to the Florida Hospital Uniform Reporting System (FHURS) regarding the reporting of Medicaid Disproportionate Share payments, paid to hospitals in accordance with Sections 409.911-.9119, F.S., as amended by the 2002 session of the legislature, and of all types of Special Medicaid Payments as enacted in the annual state budget. The purpose of this notice is to present the Agency's proposed changes to the FHURS manual for discussion and comment.

RULE NO.: 59E-5.102

SUBJECT AREA TO BE ADDRESSED: Changes to the FHURS manual Chapter III, Description of Accounts, "Deductions from Revenue" pages 3.8 & 3.8a and Chapter IV, Glossary of Health Care Terminology-Definitions. Changes to FHURS Reporting Form C-3a (rev.).

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061(4) 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. – 5:00 p.m., July 14, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Douglas E. Pierce, Health Facility Regulation/Financial Analysis Office, MS 28, Building 1, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)922-7858, e-mail: pierced@fdhc.state.fl.us

THE PRELIMINARY DRAFT OF THE PROPOSED RULE DEVELOPMENT IF 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 Chiropractic Medicine

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions

RULE NO.: 64B2-13.005

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule pursuant to Section 456.024(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Exemption of spouses of members of Armed Forces from licensure renewal provisions.

SPECIFIC AUTHORITY: 456.024(2) FS.

LAW IMPLEMENTED: 456.024(2) FS.

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

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

(7) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S. ~~The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 64B2-16.003, F.A.C.~~

~~(8) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedure of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 456.073, F.S., shall apply.~~

~~(8)(9) The Department shall report to the Board regarding the number of citations issued and the nature of the offenses for which they were issued provide to the Board a list of the names, license numbers, and violations for those persons issued a citation.~~

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History—New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02,_____.

64B2-16.010 Mediation.

RULE TEXT IS NOT AVAILABLE AT THIS TIME.

64B2-16.011 Notice of Noncompliance.

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

(1) Failure to notify of a change of address within 60 days as required by Rule 64B2-10.0055, F.A.C.

(2) Issuance of a bad check to the Department, Section 460.413(1)(i), Florida Statutes.

Specific Authority 120.695, 456.073(3), 460.405 FS. Law Implemented 120.695, 456.073(3) FS. History—New_____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES:

Licensing, Application, Permitting

Fees

RULE NOS.:

64F-12.015

64F-12.018

PURPOSE AND EFFECT: To implement SB 1824 (2004) relating to the permitting of a person that engages in the wholesale distribution of veterinary prescription drugs only, as opposed to persons engaging in the wholesale distribution of any prescription drugs intended for human use, in or into Florida. This new class of prescription drug wholesaler will be subject to less onerous application and permitting requirements due to the limited nature of the prescription drug products they

wholesale. Although SB 1824 has not become law yet, it has an effective date of July 1, 2004, and this proposed rule development is predicated on that bill becoming law.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will provide for the application process, form, and fees associated with the Veterinary Prescription Drug Wholesaler permit.

SPECIFIC AUTHORITY: 499.01, 499.05 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.041 FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY DUE TO THE USE OF AN EXISTING APPLICATION FORM AND PROCESS THAT HAS ALREADY BEEN THROUGH RULEMAKING.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-12.015 Licensing, Application, Permitting.

This section addresses the application and permitting requirements of persons regulated under Part I of Chapter 499, F.S.

(1) through (2) No change.

(3) ON-SITE INSPECTIONS. Passing an on-site inspection is a prerequisite to issuance of a new permit for the following permit types: Prescription Drug Manufacturer, Device Manufacturer, Compressed Medical Gases Manufacturer, Over-the-Counter Drug Manufacturer, Cosmetic Manufacturer, Prescription Drug Wholesaler, Compressed Medical Gases Wholesaler, Freight Forwarder, Veterinary Prescription Drug Wholesaler located in Florida, Veterinary Legend Drug Retailer, Medical Oxygen Retailer, and Restricted Rx Drug Distributor permits for the Health Care Entity, Reverse Distributor, and Destruction facilities. However, the department may elect to perform an inspection of the Restricted Rx Distributor – Charitable Organization, Government Program, or Institutional Research as a condition of permitting but an on-site inspection fee will not be assessed.

(4) through (6) No change.

(7) WHOLESALER PERMITS.

(a) A person applying for or renewing a permit as a prescription drug wholesaler or veterinary prescription drug wholesaler located in Florida, must have an area for the storage of prescription drugs under controlled room temperature and refrigeration, as required by paragraph 64F-12.013(3)(d), F.A.C., whether or not the person intends to wholesale prescription drugs requiring storage under controlled room

temperature conditions or refrigeration; except that a person who will act as a broker only of prescription drugs may apply for a “broker only” designation on the Prescription Drug Wholesaler permit and then the requirement that the permitted address provide for “controlled room temperature” and refrigeration is waived. A “broker only” cannot take possession of prescription drugs under any circumstances.

(b) through (g) No change.

(h) Application requirements for Veterinary Prescription Drug Wholesalers include:

1. Contact the department's Bureau of Statewide Pharmaceutical Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original Form DH 1033, “Application for Permit Under Chapter 499, F.S.,” effective January 2004, and the attachment for the Veterinary Prescription Drug Wholesaler permit, effective July 2004.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018, F.A.C.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85. Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04, _____.

64F-12.018 Fees.

(1) No change.

(2)(a) Biennial fees for a wholesaler’s permit that is issued on a biennial basis are as follows:

Permit	Biennial Fee
Compressed Medical Gas Wholesaler	\$500
Retail Pharmacy Wholesaler	\$100
Freight Forwarder	\$250
<u>Veterinary Prescription Drug Wholesaler</u>	<u>\$1,000</u>

(b) No change.

(3) through (5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History—New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Public Assistance Programs	65A-1
RULE TITLES:	RULE NOS.:
Assets	65A-1.303
Food Stamp Program Income and Expenses	65A-1.603

Family-Related Medicaid Eligibility

Determination Process 65A-1.704

Family-Related Medicaid Income

and Resource Criteria 65A-1.707

PURPOSE AND EFFECT: The proposed rule amendments align the Department’s assets, income, and expense verification requirements for the determination of eligibility with federal regulations applicable to each specific program.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments align procedures for the verification of assets, income, and expenses necessary to determine public assistance eligibility with federal regulations applicable to each specific program.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.904, 409.903, 409.904, 409.9191, 410.033, 414.075, 414.31 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., July 1, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 470, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eileen Schilling, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, (850)414-5643 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: RULE NO.:

Special Provisions 65A-1.702

PURPOSE AND EFFECT: The amendment to Rule 65A-1.702, F.A.C., repeals the Qualified Medicare Reimbursement Only (QI2) program that ended December 31, 2002. This amendment also implements the Statewide Inpatient Psychiatric Program (SIPP) waiver for individuals under age 18 who are at high risk of inpatient mental health services.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment repeals the Qualified Medicare Reimbursement Only (QI2) program that ended December 31, 2002. This rule amendment also implements the Statewide Inpatient Psychiatric Program (SIPP) waiver for individuals under age 18 who are at high risk of inpatient mental health services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.906, 409.919 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., July 7, 2004
 PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robi Olmstead, Government Operations Consultant II, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)414-2908

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-1.702 Special Provisions.

(1) through (12)(d) No change.

~~(e) Qualified Medicare Reimbursement Only (QI2). Under QI2 coverage, individuals are only entitled to a one-time, annual payment of a small part of their Medicare premium. (This is a federally funded program and funding is limited to the amount of an annual allocation.)~~

(13) Determining Share of Cost (SOC). The SOC is determined by deducting the Medically Needy income level from ~~the an~~ individual's or family's income.

(14) through (15) No change.

(16) Statewide Inpatient Psychiatric Program (SIPP) waiver. This program provides inpatient mental health treatment and comprehensive case management planning to enable discharge to less restrictive settings in the community for children under the age of 18 who are placed in an inpatient psychiatric program. Those who are Medically Needy and those who are Medicare recipients are excluded from this program. Services must be received from a designated provider selected by AHCA. This program provides an exception to provisions that residents of an institution for mental disease (IMD) are not eligible for Medicaid.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended 4-22-98, 2-15-01, 9-24-01, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE CHAPTER TITLE: Home Care for Disabled Adults and the Elderly

RULE CHAPTER NOS.: 65C-1

RULE TITLES: Purpose of the Home Care Program

RULE NOS.: 65C-1.001

Definitions 65C-1.002

Screening and Application 65C-1.003

Eligibility 65C-1.004

Financial Determination 65C-1.005

Provider Requirements 65C-1.006

Home Study Standards 65C-1.007

Petition Proceedings 65C-1.009

PURPOSE AND EFFECT: To amend current rule to reflect Florida Statute intention and revisions and revised national standards to allow for necessary programmatic changes. Current rule is also amended to reflect grammatical revisions and revisions in Florida Administrative Code requirements.

SUBJECT AREAS TO BE ADDRESSED: Title, Purpose of the Home Care Program, Definitions, Application, Eligibility, Financial Determination, Provider Requirements, Home Study Standards, Petition Proceedings.

SPECIFIC AUTHORITY: 410.033 FS.

LAW IMPLEMENTED: 410.031, 410.033, 410.036, 410.035, 410.034 FS.

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

TIME AND DATE: 9:00 a.m., June 28, 2004

PLACE: Department of Children and Families, Adult Services, Room 355, Building 6, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Patsy Paschal, Operations and Management Consultant Manager, Adult Services, Department of Children and Families, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)922-6805; email patsy_paschal@dcf.state.fl.us; Fax (850)922-4193

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

HOME CARE FOR DISABLED ADULTS AND THE ELDERLY

65C-1.001 Purpose of the Home Care Program.

The Home Care for Disabled Adults Act and Rules encourage the provision of care for disabled adults in family-type living arrangements in private homes as an alternative to institutional or nursing home care for such persons. These rules establish the minimum standards and procedures for the provision of home care; for the approval of persons wishing to provide home care; and for subsidy payments authorized for such care. Priority shall be given to disabled adults who are not eligible for comparable services and programs of and funded by the department or other departments and agencies which were included in the Department of Children and Families when the revisions to Section 410.032, F.S., became effective on January 1, 1997.

Specific Authority 410.033 FS. Law Implemented 410.031, 410.033 FS. History--New 5-3-81, Amended 10-17-84, Formerly 10A-9.01, Amended 6-11-91, Formerly 10A-9.001, Amended 8-13-00, _____.

65C-1.002 Definitions.

In addition to the definitions used in Sections 410.031-.036, F.S., the following definitions shall apply to this rule:

(1) “Activities of Daily Living (ADL)” means functions and tasks for self care, which shall include ambulation, mobility, bathing, dressing, eating, grooming, and other personal hygiene activities.

(2) “Basic Subsidy” means a support and maintenance element, to include costs of housing, food, clothing, and incidentals, in an amount determined by the financial status of the home care client.

(3) “Case Management” means the planning, arrangement for, and coordination of appropriate community based services for an eligible home care client. Case management includes assessment of needs, the development of a service plan, arrangement for services, and on-going monitoring of the client’s situation to ensure that needed services are received.

(4) “Department” means Department of Children and Families.

(5)(4) “Disabled Adult” means any person at least 18 years of age, but under 60 years of age, whose ability who has one or more permanent physical or mental limitations which restrict his ability to perform the normal activities of daily living and impede his capacity to live independently or with relatives or friends without provision of community based services, is impaired due to one or more permanent physical or mental limitations. Disabled adult also means a person who is currently a resident of this state and has an intent to remain in this state.

(6)(5) “Home Care Client” means an individual who meets all eligibility requirements for this program, and who without home care supportive services could require placement in an institution or nursing home.

(7)(6) “Medical Subsidy” means an individually determined amount of subsidy payment for medical, pharmaceutical and dental services which is not covered by Medicare, Medicaid, or any form of insurance and which is regarded as essential, as determined by a physician, dentist, or Adult Services staff, to the maintenance of the health of the home care client.

(8)(7) “Provider” means an adult person(s) who applies and is approved to provide care to disabled adult client(s) on a non-profit basis.

(9)(8) “Special Supplement” means a reimbursement for any specialized medical or health care services, supplies or equipment, pre-authorized by the department, and required to maintain the health and well-being of the disabled adult. This supplement is separate from and may be utilized in addition to the basic and medical subsidy and shall be provided based on the availability of funds. Reimbursement may be authorized for regularly purchased services and supplies or special, non-recurring services or equipment.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.02, Amended 6-11-91, Formerly 10A-9.002, Amended 8-13-00,_____.

65C-1.003 Screening and Application.

(1) Requests to make application for the Home Care for Disabled Adults Program may be initiated by the potential home care client or others, on behalf of the client, through District Adult Services Units.

(2) The ~~d~~Department shall not arrange for recruitment and matching of potential providers and recipients to facilitate application between two unrelated or unfamiliar parties.

(3) If funding is not available to move an interested individual into the Home Care for Disabled Adults Program, the individual is screened by departmental staff, unless otherwise authorized by the department, using the AS Screening for Consideration for Community-Based Programs (CF-AA 1022) and placed on the Home Care for Disabled Adults Waiting List or other Adult Services programmatic waiting list for the appropriate service that meets the need of the individual. The screening instrument is incorporated by reference and available, without cost, from the department.

~~(4)(3)~~ Once funding is available, tThe application process shall include:

(a) Client assessment and determination of program and financial eligibility;

(b) Provider assessment and determination of provider eligibility;

(c) Home assessment and approval; and,

(d) Applicant and provider notification of eligibility status.

~~(5)(4)~~ The application process must be completed before subsidy approval is granted.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History—New 5-3-81, Formerly 10A-9.03, Amended 6-11-91, Formerly 10A-9.003, Amended 8-13-00,_____.

65C-1.004 Eligibility.

To be eligible for the Home Care for Disabled Adults Program, an applicant must:

(1) Be a disabled adult, as defined in Rule 65C-1.002, F.A.C.;

(2) Complete, or have completed on his or her behalf, the an application for Home Care for Disabled Adults Program Application, CF-AA 1020, which is incorporated by reference and available, without cost, from the department services;

(3) Meet the same criteria used to determine eligibility assistance under Title XVI of the Social Security Act; or meet the same financial criteria used to determine eligibility for nursing home care as defined in Chapter 65A-1, F.A.C., Florida Medicaid Eligibility;

(4) Have an approved provider who shall will provide the Home Care for Disabled Adults services;

(5) Have a statement from a physician (or licensed registered nurse which states that the applicant could require institutional or nursing home placement should home care

services not be provided, and that the assistance provided by the Home Care for Disabled Adults Program is considered to be appropriate for the well-being of the applicant/ client;

(6) Have a priority need for home care services as determined through the administration and evaluation of a departmentally specified screening instrument and comprehensive client assessment. A copy of the AS Client Assessment (CF-AA 3019) is incorporated by reference and client assessment form shall be available, without cost, upon request from the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. The comprehensive client assessment shall be administered by departmental staff, unless otherwise authorized by the department, and shall address the following areas:

(a) Functional Status – a level of functional impairment as measured by individual ability to independently perform the tasks and activities of daily living;

(b) Provider and Caregiver Status – an appraisal of the provider and caregiver’s ability to provide supervision and care to the home care client issues;

(c) Client Support – a measure of the availability of service and social support relative to the needs of the individual;

(d) Health Status – a measure of the presence and degree of chronic disease and physical disability experienced relative to need for medical, health, and nutritional related services;-

(e) Environmental Status – an evaluation of the client’s physical environment for safety and accessibility for the individual requesting services.

Specific Authority 410.033 FS. Law Implemented 410.036 FS. History–New 5-3-81, Amended 2-11-82, Formerly 10A-9.04, Amended 6-11-91, Formerly 10A-9.004, Amended 8-13-00,_____.

65C-1.005 Financial Determination.

(1) An application as specified in Chapter 65C-1 65A-1, F.A.C., for determination of financial eligibility for the Home Care for Disabled Adults Program shall be completed in its entirety and shall be submitted to the Department of Children and Families;:

(2) Financial eligibility shall be determined as meeting Institutional Care Program (ICP) standards or MEDS-AD standards by designated dDepartmental staff or verified to meet Supplemental Social Security Income (SSI) standards by the Social Security Office;: Applicants whose income and asset levels appear to be close to SSI eligibility standards and who do not receive SSI benefits shall be referred to the Social Security Administration for SSI eligibility determination; and applicants shall pursue SSI through the final appeal.;

(3) Upon satisfaction of all criteria for program and financial eligibility the provider and client shall will be advised of client acceptance into the Home Care for Disabled Adults Program. Payment, as established by a schedule of subsidy payments, shall be based on the financial status of the person receiving care. A Provider Agreement shall be presented to the

provider for signature and shall specify the amount of monthly basic maintenance subsidy, maximum allowable medical subsidy and maximum allowable special supplemental subsidy for which the client has been determined eligible. The provider and client shall will be advised of the need to obtain prior approval from the Home Care Counselor for any expenditures which fall into the categories of medical or special supplemental subsidy. Paid receipts must be submitted to the Home Care Counselor, by the provider, in accordance with Home Care for Disabled Adults standards set forth in rule, manual and policy directive.

(4) The Provider Agreement shall be regarded as a binding agreement between the provider and the dDepartment. The Home Care for Disabled Adults Counselor shall will advise the provider of policy guidelines relating to the approval and receipt of all subsidy payments and shall will process all requests received from the provider in keeping with dDepartmental guidelines established by the state office and implemented at the district office.

(5) Applicants and clients shall be advised in writing upon completion of application review of the right to and the process of obtaining a hearing. Under the provisions of Chapter 120, F.S., applicant and client challenges may be initiated and presented to the dDepartment, provider agency, or Department of Administrative Hearings giving written or oral evidence in opposition to the action the dDepartment has chosen to justify its action or inaction.

Specific Authority 410.033 FS. Law Implemented 410.035 FS. History–New 5-3-81, Amended 2-11-82, Formerly 10A-9.05, Amended 6-11-91, Formerly 10A-9.005, Amended 8-13-00,_____.

65C-1.006 Provider Requirements.

A provider in the Home Care for Disabled Adults Program shall meet, at a minimum, the eligibility criteria outlined herein. Each provider shall be:

(1) A mature, responsible adult willing to and capable of accepting responsibility for the social, physical and emotional needs of the home care client in a family-type living arrangement;

(2) An individual, relative or non-relative who has a positive personal relationship with the client and who is accepted by the client as surrogate family; or a responsible adult who maintains a positive personal relationship with the client and is an individual with whom the client has made a financial arrangement for the provision of home care services;

(3) Residing in and pPhysically present in the home to provide services, supervision, and assistance with the arrangement of services for the client and shall be responsible; when temporarily absent from the home, for making alternative arrangements for care to be assumed by another responsible adult, when temporarily absent from the home, in keeping with the standards set forth for the Home Care for Disabled Adults Program;

(4) Responsible for maintaining the residential dwelling free of conditions that pose an ~~immediate~~ threat to the life, safety, health or well-being of the home care client;

(5) Willing to undergo a background check for abuse, neglect or exploitation of a vulnerable adult, as defined in Section 415.102, F.S., or child, as defined in Section 39.01, F.S., and shall:

~~(a) Be w~~Without record of criminal conviction of abuse, neglect or exploitation of a vulnerable adult ~~an older person, adult~~ or child;

~~(b) shall N~~ot have been the perpetrator in a confirmed report of abuse, neglect or exploitation of a vulnerable adult, investigated or completed prior to September 1, 2000 by the Department of Children and Families and maintained in the department's central abuse hotline information system ~~Florida Abuse Hotline Information System; and~~

~~(c) Not have been the perpetrator in a confirmed report of abuse, neglect or exploitation of a child, investigated or completed prior to October 1, 1995 by the Department of Children and Families and maintained in the department's central abuse hotline information system;~~

~~(d) Not have been a possible responsible person in a report with verified findings of abuse, neglect or exploitation of a vulnerable adult, investigated or completed on or after September 1, 2000 by the Department of Children and Families and maintained in the department's central abuse hotline information system;~~

~~(e) Not have been a possible responsible person in a report with verified findings of abuse, neglect or exploitation of a child, investigated or completed on or after October 1, 1995 by the Department of Children and Families and maintained in the department's central abuse hotline information system; and~~

~~(f) shall g~~Grant written authorization for a background check through the department's central abuse hotline information system. ~~Florida Abuse Hotline System of the Department of Children and Families.~~ The ~~d~~Department shall grant an exemption from any this disqualifyingieation offense if the ~~d~~Department has clear and convincing evidence to support a reasonable belief that the individual is of good moral character as to justify the exemption; and

(6) Without evidence of holding themselves out to the public as a home or home-type facility, group living home, half-way house, assisted adult living facility, or other similar facility offering room, board, and personal services ~~but not including adult family care homes.~~

Specific Authority 410.033 FS, Law Implemented 410.033, 410.034 FS, History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.06, Amended 6-11-91, Formerly 10A-9.006, Amended 8-13-00, _____.

65C-1.007 Home Study Standards.

(1) The Home Care Counselor shall conduct a home study, an assessment of the home environment and physical surroundings in which the applicant currently resides or intends to reside, to determine the fitness of the private

residential home and of the home care service provider, in keeping with the assessed needs of the applicant or client and the standards as established for this Program. The Home Care Counselor shall formulate a written recommendation as to case approval or denial and shall submit this recommendation, with accompanying documentation, to the designated ~~d~~District authority for final review and decision.

(2) Home study standards shall include:

(a) General.

1. The home shall be a family-type dwelling occupied as the primary residence of the home care provider and shall serve as ~~or~~ the primary residence of the home care client.

2. Floors and furnishings shall be free of unsanitary conditions that would attract rodents and insects.

3. The yard and area immediately surrounding the residence shall be free of litter and refuse that could serve as breeding areas for insects and rodents.

4. Windows shall be covered or screened to secure the residence from flies and insects.

5. The structure of the house and furnishings shall not appear to present any physical dangers to the home care client.

6. There shall be at least one telephone with 9-1-1 capability that is operational and that is hard-wired into the home; or a written emergency plan describing how an emergency will be handled without immediate telephone access, shall be developed by the home care provider. This emergency plan shall be approved by district Adult Services program office staff.

(b) Bedroom.

1. Bedding and linens shall be provided and shall be clean and changed as dictated by the physical condition of the client.

2. There shall be two means of egress from the bedroom occupied by the client. This may include a window which may be used by the home care client for exiting the bedroom in case of an emergency.

(c) Bathroom.

1. The primary bathroom that is used by the client shall have a toilet, lavatory, bathtub or shower, all in working order. Bathrooms shall include a commode and lavatory. For areas without city sewage service, the individual sewage disposal system shall comply with Chapter 64E-6, F.A.C., Individual Sewage Disposal. Where septic tanks are not in use, privies shall be located 75 feet or more from a private water supply and a minimum of 30 feet from the residence.

2. Portable toilets may be utilized provided waste is disposed of by a sanitary method.

3. There shall be arrangements for bathing the client, based on the client's physical condition and functional ability, including bathing facilities with hot and cold running water available for the client.

4. Soap, clean towels, and washcloths shall be provided.

(d) Food Preparation and Dining Areas.

1. Food preparation and food storage areas shall be clean, free of odors, free of insects and vermin, and dampness.

2. Homes shall have kitchen the facilities necessary for perishable food storage and meal preparation.

(e) Fire Protection.

1. An operating smoke detector shall be present in each dwelling.

2. Flammable materials such as gasoline, paint, lacquer and paint thinner, alcohol, oxygen, turpentine, contact cement, charcoal lighter fluid, and cleaning fluids shall be stored away from sources of heat, and shall be stored outside or and away from the kitchen and other inside living areas of the main residence. They shall not be stored in a garage if a fuel-burning appliance is located in the garage.

3. Combustible materials such as newspapers and rags shall not be stored near a furnace, hot water heater, space heater, or other sources of heat.

~~4.3.~~ Frayed, cracked, or broken electrical wiring and extension cords shall be removed and replaced. Extension cords shall not extend from one room to another. Multiple electric outlet adapters shall not be used for more than two extensions at one time.

~~5.4.~~ Electric space heating units shall bear the Underwriters Laboratories (UL) label. Kerosene heaters, unvented gas, and unvented oil heaters are prohibited. Only vented heaters, which shall be properly vented to the outside. Fuel burning space units shall be hooded or vented in accordance with Rule 4A 38.023, F.A.C. or shall be so constructed as to not require venting this, are permitted used. The use of a propane heater (liquefied petroleum – LP) which has a gas cylinder stored in the body of the heater or other type of self-contained fuel supply, is prohibited.

(f) Firearms. Firearms and ammunition shall be stored separately from each other in locked storage areas.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.07, Amended 6-11-91, Formerly 10A-9.007, Amended 8-13-00,_____.

65C-1.009 Petition Proceedings.

(1) The Home Care Counselor shall conduct an assessment of the home environment, physical structure and surroundings, to determine the fitness of the residential dwelling in keeping with the assessed needs of the applicant or/client and the established standards for the Home Care Program as found in Chapter 410, F.S., and Chapter 65C-1, F.A.C. A copy of Chapter 410, F.S., and Chapter 65C-1, F.A.C., shall be provided without cost upon request to the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

(2) When a home is determined not to be fit by the standards set forth from the Home Care Program:

(a) The applicant or/client and/or provider shall be notified in writing of determination of unfitness and shall be informed of the basis for such determination.

(b) The applicant or/client and/or provider is provided due process under Chapter 120, F.S., judicial review under s. 410.034, F.S., and may petition the Circuit Court for resolution of the question of fitness of home.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.09, Amended 6-11-91, Formerly 10A-9.009,_____.

P.O. JE1983

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Comprehensive Shellfish Control Code	5L-1
RULE TITLES:	RULE NOS.:
Shellfish Harvesting Area Standards	5L-1.003
Container Identification, Terminal Sale Date;	
Prohibitions	5L-1.007
Laboratory Procedures and Sample Testing	5L-1.019

PURPOSE AND EFFECT: These amendments propose to reclassify the Pensacola Bay System shellfish harvesting area in Escambia and Santa Rosa Counties, the North Bay shellfish harvesting area in Bay County, the Indian Lagoon shellfish harvesting area in Gulf County, the Ochlockonee Bay shellfish harvesting area in Franklin and Wakulla Counties, the Apalachicola Bay System shellfish harvesting area in Franklin County, and the Wakulla County shellfish harvesting area in Wakulla County. Sanitary surveys have been conducted that evaluate current information on pollution sources and bacteriological water quality, and recommend reclassification of the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County shellfish harvesting areas. Additionally, the four-digit area codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County shellfish harvesting areas. The four-digit harvest area codes are proposed to be updated to reflect the proposed classifications. These codes or the name of the harvest area must be recorded on harvester tags. This information provides for tracing shellfish that are implicated in illness outbreaks back to the harvest area. The reclassification of the Apalachicola Bay System is necessary to adjust the shellfish harvesting area maps and legal descriptions to reflect replacement of the Bryant Patton Bridge.

These amendments also propose to incorporate the option to analyze water samples using the membrane filter method as recently adopted by the ISSC and to require consumer information statement labeling for all shellfish species.

SUMMARY: The proposed reclassification of the Pensacola Bay System shellfish harvesting area will increase the size of the current conditionally approved Winter areas by 22,254 acres, from 25,500 acres to 47,754 acres, increase the size of the current conditionally approved Spring/Fall areas by 325 acres, from 47,429 acres to 47,754 acres, decrease the size of the current conditionally restricted Winter areas by 21,729 acres, from 25,176 acres to 3,447 acres, remove the current restricted Spring/Fall area of 3,641 acres, decrease the size of the current prohibited Winter areas by 2,740 acres, from 41,133 acres to 38,393 acres and decrease the size of the current prohibited spring/Fall areas by 2,312 acres, from 40,705 acres to 38,393 acres. Current management of the Pensacola Bay System conditionally approved and conditionally restricted areas is seasonal and is based on local rainfall and Escambia River stage. Proposed management of these areas is non-seasonal and is based on local rainfall and Escambia River stage. The average closure frequency of the 0222 conditionally approved Escambia Bay section is expected to increase by 0.8 days per month, from 9.8 to 10.6 days per month. The average closure frequency of the 0232 conditionally approved East Bay section is expected to increase by 0.3 days per month, from 8.4 to 8.7 days per month. The average closure frequency of the 0216 conditionally restricted Escambia Bay section is expected to decrease by 1.2 days per month, from 5.6 to 4.4 days per month. The average closure frequency of the 0226 conditionally restricted East Bay section is expected to increase by 0.1 days per month, from 0.4 to 0.5 days per month.

The proposed reclassification of the North Bay shellfish harvesting area will decrease the size of the conditionally approved Eastern section by 51 acres, from 1,486 acres to 1,435 acres, decrease the size of the prohibited area by 52 acres, from 1,957 acres to 1,905 acres, and create a 103-acre conditionally restricted area in the Eastern section. Current management of the conditionally approved areas is based on local rainfall and Econfina Creek discharge (converted to stage). Proposed management of the conditionally approved and conditionally restricted areas is based on local rainfall and Econfina Creek stage. The average closure frequency of the 1012 conditionally approved Western Section is expected to decrease by 1.0 days per month, from 13.8 to 12.8 days per month. The average closure frequency of the 1022 conditionally approved Eastern Section is expected to increase by 0.6 days per month, from 14.8 to 15.4 days per month. The average closure frequency of the 1006 conditionally restricted Eastern Section is expected to be 3.0 days per month.

The proposed reclassification of the Indian Lagoon shellfish harvesting area will increase the size of the conditionally approved Winter areas by 61.3 acres, from 448 acres to 509.3 acres and decrease the size of conditionally restricted Winter area by 74.67 acres, from 210 acres to 135.33 acres. The size of the prohibited Winter area will remain the same. Current and

proposed management of the conditionally approved and conditionally restricted Winter area is based on local rainfall. The average closure frequency of the 1542 conditionally approved Zone A Winter area is expected to decrease by 4.5 days per month, from 7.2 to 2.7 days per month. The average closure frequency of the 1552 conditionally approved Zone B Winter area is expected to decrease by 0.9 days per month, from 11.7 to 10.8 days per month. The average closure frequency of the 1506 conditionally restricted Winter area is expected to decrease by 5.2 days per month, from 6.5 to 1.3 days per month.

The proposed reclassification of the Indian Lagoon shellfish harvesting area will not change the size of the conditionally approved or prohibited Spring/Fall areas. Current and proposed management of the conditionally approved Spring/Fall area is based on local rainfall and Apalachicola river discharge. The average closure frequency of the 1512 conditionally approved Spring/Fall area is expected to decrease by 18.9 days per month, from 21.7 to 2.8 days per month.

The proposed reclassification of the Indian Lagoon shellfish harvesting area will not change the size of the conditionally approved shellfish aquaculture lease areas managed during the Summer months. Current management of the conditionally approved shellfish aquaculture lease areas is based on local rainfall and Apalachicola river discharge. Proposed management of the conditionally approved shellfish aquaculture lease areas is based on local rainfall. The average closure frequency of the 1572 conditionally approved shellfish aquaculture lease areas managed during the Summer months is expected to decrease by 24.4 days per month, from 26 to 1.6 days per month.

The proposed reclassification of the Ochlockonee Bay shellfish harvesting area will increase the size of the conditionally approved area by 1,703 acres, from 2,655 acres to 4,358 acres. The size of the conditionally restricted and prohibited areas will not change. Current and proposed management of the conditionally approved and conditionally restricted areas is based on local rainfall and Ochlockonee River stage. The average closure frequency of the 2002 conditionally approved area is expected to decrease by 7.1 days per month, from 14.8 to 7.7 days per month. The average closure frequency of the 2006 conditionally restricted area is expected to decrease by 1.1 days per month, from 5.9 to 4.8 days per month.

The proposed reclassification of the Apalachicola Bay System will result in minor changes in the size of the winter and summer shellfish harvesting areas and result in no change in the current management of the shellfish harvesting areas.

The proposed reclassification of the Wakulla County shellfish harvesting area will decrease the size of conditionally approved zone 1 Winter and Spring area by 2,216 acres, from 3,717 acres to 1,501 acres, increase the size of the conditionally approved zone 2 Winter and Spring area by 178 acres, from 11,051 acres to 11,229 acres, decrease the size of

the conditionally restricted area by 223 acres, from 1,709 acres to 1,486 acres, and increase the size of the prohibited area by 298 acres, from 2,551 acres to 2,849 acres. Current management of the conditionally approved and conditionally restricted areas is non-seasonal and is based on local rainfall. Proposed management of the conditionally approved and conditionally restricted areas is seasonal and is based on local rainfall. The average closure frequency of the 2212 conditionally approved zone 1 Winter area is expected to decrease by 2.1 days per month, from 10.8 to 8.7 days per month. The average closure frequency of the 2232 conditionally approved zone 1 Spring area is expected to decrease by 5.4 days per month, from 10.8 to 3.4 days per month. The average closure frequency of the 2222 conditionally approved zone 2 Winter area is expected to remain the same; 2.9 days per month. The average closure frequency of the 2242 conditionally approved zone 2 Spring area is expected to decrease by 1.7 days per month, from 2.9 to 1.2 days per month. The average closure frequency of the 2206 conditionally restricted Winter area is expected to decrease by 1.7 days per month, from 2.6 to 0.9 days per month. The average closure frequency of the 2206 conditionally restricted Spring area is expected to decrease by 1.9 days per month, from 2.6 to 0.7 days per month.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Pensacola Bay shellfish harvesting area (#02), the North Bay shellfish harvesting area (#10), the Indian Lagoon shellfish harvesting area (#15), the Ochlockonee Bay shellfish harvesting area (#20), the Apalachicola Bay System shellfish harvesting area (#16), and the the Wakulla County shellfish harvesting area (#22) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide an illustration of the Pensacola Bay System shellfish harvesting area classification boundaries in shellfish harvesting area map #02, an illustration of the North Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #10, an illustration of the Indian Lagoon shellfish harvesting area classification boundaries in shellfish harvesting area maps #15A, #15B, and #15C, an illustration of the Ochlockonee Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #20, an illustration of the Apalachicola Bay System shellfish harvesting area classification boundaries in shellfish harvesting maps #16A and #16B, and an illustration of the Wakulla County shellfish harvesting area classification boundaries in shellfish harvesting area maps #22A and #22B. These maps are hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

Additionally, these amendments propose updating the four-digit harvest area codes defined in paragraph 5L-1.007(3)(e), F.A.C., for the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County

shellfish harvesting areas. These codes will be used on harvester tags to identify the locations where shellfish are harvested.

These amendments also propose to incorporate the option to analyze water samples using the membrane filter method as recently adopted by the ISSC and to require consumer information statement labeling for all shellfish species.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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: 597.020 FS.

LAW IMPLEMENTED: 597.020 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:

TIME AND DATE: 10:00 a.m., Monday, July 12, 2004

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify David Heil, Division of Aquaculture, at (850)488-5471 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Heil, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised ~~October 14, 2001~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised ~~October 14, 2001~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) Approved areas – Growing areas shall be classified as approved when a sanitary survey, conducted in accordance with Chapter IV of the National Shellfish Sanitation Program Model Ordinance, indicates that pathogenic microorganisms,

radionuclides, and/or harmful industrial wastes do not reach the area in dangerous concentrations and this is verified by laboratory findings whenever the sanitary survey indicates the need. Shellfish may be harvested from such areas for direct marketing. This classification is based on the following criteria:

(a) The area is not so contaminated with fecal material or poisonous or deleterious substances that consumption of the shellfish might be hazardous; and

(b) The bacteriological quality of every sampling station in those portions of the area most probably exposed to fecal contamination shall meet one of the following standards during the most unfavorable meteorological, hydrographic, seasonal, and point source pollution conditions: 1) The median or geometric mean fecal coliform Most Probable Number (MPN) of water shall not exceed 14 per 100 ml., and not more than 10 percent of the samples shall exceed a fecal coliform MPN of 43 per 100 ml. (per 5-tube, 3-dilution test) or 2) The median or geometric mean fecal coliform Most Probable Number (MPN) of water shall not exceed 14 per 100 ml., and not more than 10 percent of the samples shall exceed a fecal coliform MPN of 33 per 100 ml. (per 12-tube, single-dilution test) or 3) The median or geometric mean fecal coliform Membrane Filter (MF) colony forming units of water shall not exceed 14 per 100 ml., and not more than 10 percent of the samples shall exceed a fecal coliform MF colony forming unit of 31 per 100 ml. Harvest from temporarily closed approved areas shall be unlawful.

(3) No change.

(4) Restricted areas – A growing area shall be classified as restricted when a sanitary survey, conducted in accordance with Chapter IV of the National Shellfish Sanitation Program Model Ordinance, indicates that fecal material, pathogenic microorganisms, radionuclides, harmful chemicals, and marine biotoxins are not present in dangerous concentrations after shellfish from such an area are subjected to a suitable and effective purification process. The bacteriological quality of every sampling station in those portions of the area most probably exposed to fecal contamination shall meet the following standard: The median or geometric mean fecal coliform Most Probable Number (MPN) of water shall not exceed 88 per 100 ml. and not more than 10 percent of the samples shall exceed a fecal coliform MPN of 260 per 100 ml. (per 5-tube, 3-dilution test) or the median or geometric mean fecal coliform Membrane Filter (MF) colony forming units of water shall not exceed 88 per 100 ml., and not more than 10 percent of the samples shall exceed a fecal coliform MF colony forming unit of 163 per 100 ml. in those portions of the area most probably exposed to fecal contamination during the most unfavorable meteorological, hydrographic, seasonal, and point source pollution conditions. Harvest is permitted according to permit conditions specified in Rule 5L-1.009, F.A.C. Harvest from temporarily closed restricted areas shall be unlawful.

(5) through (10) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01 (1), 10-14-01 (1).

5L-1.007 Container Identification, Terminal Sale Date; Prohibitions.

(1) through (9) No change.

(10) ~~Oyster Shellstock and shucked shellfish oyster~~ containers shall be labeled with the following statement: “CONSUMER INFORMATION There is a risk associated with consuming raw shellfish oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw shellfish oysters and should eat shellfish oysters fully cooked. If unsure of your risk, consult a physician.”

(11) through (12) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00, 10-14-01, 5-29-02.

5L-1.019 Laboratory Procedures and Sample Testing.

(1) No change.

(2) Bacterial examinations of shellfish and seawater shall be conducted in accordance with *The Recommended Procedures for Bacterial Examination of Seawater and Shellfish* published by the American Public Health Association which is hereby incorporated herein by reference and is available for inspection at the Department’s office, located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. Bacteriological examinations of seawater employing the fecal coliform Membrane Filter (MF) colony forming unit procedure referenced in paragraph 5L-1.003(2)(b), F.A.C., and subsection 5L-1.003(4), F.A.C., shall be conducted in accordance with *Enumeration of fecal coliforms and E. coli in marine and estuarine waters: an alternative to the APHA-MPN approach* written by Scott R. Rippey, Willard N. Adams, and William D. Watkins and published in the *Journal Water Pollution Control Federation Volume 59, Number 8, pages 795-798, August 1987, which is hereby incorporated herein by reference. This procedure is terminated at the fecal coliform stage. The urease step is not required. This reference is available for inspection at the Department’s office, located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.*

(3) through (4) No change.

Specific Authority 597.020 FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.030, Amended 7-3-95, 5-8-96, 2-6-97, Formerly 62R-7.030, Amended 8-9-00.

AREA NUMBER	HARVEST AREA NAME		
		1611	Apalachicola Bay Approved Winter Jan – Jun, Oct – Dec
<u>0212</u>	<u>Pensacola Bay Conditionally Approved</u>	1621	Apalachicola Bay Approved Summer Jul – Sep
	<u>Escambia Bay Shellfish Aquaculture Lease</u>	1631	Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer Jul – Sep
	<u>Areas managed during the Summer months of Jul – Sep</u>		
0222	Pensacola Bay Conditionally Approved	1612	Apalachicola Bay Conditionally Approved West 1 Winter Jan – Jun, Oct – Dec
	Escambia Bay Winter Nov – Mar		
0232	Pensacola Bay Conditionally Approved East Bay	1622	Apalachicola Bay Conditionally Approved West 2 Winter Jan – Jun, Oct – Dec
	Winter Nov – Feb		
0242	Pensacola Bay Conditionally Approved	1632	Apalachicola Bay Conditionally Approved West 3 Winter Jan – Jun, Oct – Dec
	Escambia Bay Spring/Fall Apr – Jun, Oct		
0252	Pensacola Bay Conditionally Approved East Bay	1642	Apalachicola Bay Conditionally Approved East Winter Jan – Jun, Oct – Dec or Apalachicola Bay
	Spring/Fall Mar – Jun, Oct		Approved East Hole Summer Jul – Sep
0215	Pensacola Bay Restricted Escambia Bay Spring/	1652	Apalachicola Bay Conditionally Approved North Summer Jul – Sep
	Fall Apr – Jun, Oct		
0216	Pensacola Bay Conditionally Restricted	1662	Apalachicola Bay Conditionally Approved South Summer Jul – Sep
	Escambia Bay Winter Nov – Mar		
0226	Pensacola Bay Conditionally Restricted East Bay	1606	Apalachicola Bay Conditionally Restricted
	Winter Nov – Feb	1802	Alligator Harbor Conditionally Approved
0622	Choctawhatchee Bay Conditionally Approved	2002	Ochlockonee Bay Conditionally Approved
	Central	2006	Ochlockonee Bay Conditionally Restricted
0632	Choctawhatchee Bay Conditionally Approved	2206	Wakulla County Conditionally Restricted
	Eastern	2212	Wakulla County Conditionally Approved Zone 1 <u>Winter</u>
0806	West Bay Conditionally Restricted Spring/Fall	2222	Wakulla County Conditionally Approved Zone 2 <u>Winter</u>
	Apr – Jun, Oct – Nov	<u>2232</u>	<u>Wakulla County Conditionally Approved Zone 1 Spring</u>
0812	West Bay Conditionally Approved Winter Dec – Mar	<u>2242</u>	<u>Wakulla County Conditionally Approved Zone 2 Spring</u>
0822	West Bay Conditionally Approved Spring/Fall	2501	Horseshoe Beach Approved Summer
	Apr – Jun, Oct – Nov	2502	Horseshoe Beach Conditionally Approved Winter
1012	North Bay Conditionally Approved Western	2506	Horseshoe Beach Conditionally Restricted Winter
1022	North Bay Conditionally Approved Eastern	2802	Suwannee Sound Conditionally Approved
<u>1006</u>	<u>North Bay Conditionally Restricted Eastern</u>	2806	Suwannee Sound Conditionally Restricted
1206	East Bay Conditionally Restricted	3012	Cedar Key Conditionally Approved Zone A
1212	East Bay Conditionally Approved Section 1	3022	Cedar Key Conditionally Approved Zone B
1222	East Bay Conditionally Approved Section 2	3006	Cedar Key Conditionally Restricted
1401	St. Joe Bay Approved	3202	Waccasassa Bay Conditionally Approved
1506	Indian Lagoon Conditionally Restricted	3206	Waccasassa Bay Conditionally Restricted
1512	Indian Lagoon Conditionally Approved Zone X	3402	Withlacoochee Bay Conditionally Approved
	Spring/Fall Mar – Jun, Oct Apr – Jun, Oct – Dec	3406	Withlacoochee Bay Conditionally Restricted
1522	Indian Lagoon Conditionally Approved Zone Y	3702	Citrus County Conditionally Approved
	Spring/Fall Apr – Jun, Oct – Dec	3706	Citrus County Conditionally Restricted
1532	Indian Lagoon Conditionally Approved Zone Z	4202	Boca Ciega Bay Conditionally Approved
	Spring/Fall Apr – Jun, Oct – Dec	4802	Lower Tampa Bay Conditionally Approved
1542	Indian Lagoon Conditionally Approved Zone A	4806	Lower Tampa Bay Conditionally Restricted
	Winter Nov – Feb Jan – Mar		
1552	Indian Lagoon Conditionally Approved Zone B		
	Winter Nov – Feb Jan – Mar		
<u>1572</u>	<u>Indian Lagoon Conditionally Approved Shellfish</u>		
	<u>Aquaculture Lease Areas 547 and 901 managed</u>		
	<u>during the Summer months of Jul – Sep</u>		

- 5402 Sarasota Bay Conditionally Approved
- 5406 Sarasota Bay Conditionally Restricted
- 5602 Lemon Bay Conditionally Approved
- 5802 Gasparilla Sound Conditionally Approved
- 6002 Myakka River Conditionally Approved
- 6006 Myakka River Conditionally Restricted
- 6212 Pine Island Sound Conditionally Approved
Western Section
- 6222 Pine Island Sound Conditionally Approved
Eastern Section
- 6602 Ten Thousand Islands Conditionally Approved
- 7001 Indian River/St. Lucie Approved
- 7006 Indian River/St. Lucie Restricted
- 7202 North Indian River Conditionally Approved
- 7206 North Indian River Conditionally Restricted
- 7412 Body F Conditionally Approved
- 7416 Body F Conditionally Restricted
- 7506 Body E Conditionally Restricted
- 7602 Body D Conditionally Approved
- 7606 Body D Conditionally Restricted
- 7712 Body C Conditionally Approved Zone 1 Spring/
Summer/Fall Mar – Nov
- 7722 Body C Conditionally Approved Zone 2 Spring/
Summer/Fall Mar – Nov
- 7732 Body C Conditionally Approved Winter
Dec – Feb
- 7716 Body C Conditionally Restricted Winter
Dec – Feb
- 7726 Body C Conditionally Restricted
Spring/Summer/Fall Mar – Nov
- 7802 Body B Conditionally Approved
- 7902 South Banana River Conditionally Approved
- 7906 South Banana River Conditionally Restricted
- 8001 Body A Approved
- 8005 Body A Restricted
- 8201 South Volusia Approved
- 8212 South Volusia Conditionally Approved Zone 1
- 8222 South Volusia Conditionally Approved Zone 2
- 8206 South Volusia Conditionally Restricted
- 8802 St. Johns South Conditionally Approved
- 8806 St. Johns South Conditionally Restricted
- 9202 St. Johns North Conditionally Approved
- 9206 St. Johns North Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA
CLASSIFICATION MAPS, BOUNDARIES AND
MANAGEMENT PLANS

Revised _____ ~~October 14, 2001~~

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Apalachicola Bay System	16	16A, 16B	August 9, 2000
Alligator Harbor	18	18	October 14, 2001
Boca Ciega Bay	42	42	June 18, 1997
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	April 5, 2000
Cedar Key	30	30	November 5, 1992
Choctawhatchee Bay	06	06	October 14, 2001
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	January 1, 1995
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	March 18, 1999
Indian Lagoon	15	15A, 15B, 15C	
Indian River/St. Lucie Counties	70	70	November 5, 1992 June 18, 1997
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	June 18, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	
North Indian River	72	72	January 1, 1995 June 18, 1997
North St. Johns	92	92	January 1, 1995
Ochlockonee Bay	20	20	
Pensacola Bay System	02	02A, 02B	November 3, 1998
Pine Island Sound	62	62	January 31, 1996 December 28, 1998
Sarasota Bay	54	54	May 6, 1993
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28	February 25, 1998
Ten Thousand Islands	66	66	June 18, 1997
Waccasassa Bay	32	32	November 5, 1992
Wakulla County	22	22A, 22B	January 1, 1995
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	November 5, 1992

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Heil

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sherman Wilhelm, Director,
Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 2, 2004.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 13, 2004

of Section 212.08(5)(g), (h), (n), and (o), Florida Statutes, also require, in addition to the DR-26 or DR-26S required by paragraph (a) of this subsection, the forms specified in Rule 12A-1.107, F.A.C., in order to be deemed completed applications:

(3) For purposes of this rule, Form DR-26, Application for Refund from the State of Florida Department of Revenue, (incorporated by reference in Rule 12-26.008, F.A.C.), is the approved refund application for all taxes collected by the Department, except as follows: otherwise specified in subsection (4) of this rule. However, taxpayers applying for a refund of any taxes paid pursuant to Chapter 212, F.S., can also use Form DR-26S, Application for Refund Sales and Use Tax, incorporated by reference in Rule 12-26.008, F.A.C. Beginning January 1, 2002, Form DR-26S must be used to apply for a refund of taxes paid pursuant to Chapter 212, F.S.

(a) COMMUNICATIONS SERVICES TAX. A refund claim for communications services tax must be made directly to the dealer that collected that tax, as provided in Section 202.23, F.S. A refund claim may be made to the Department using form DR-26, Application for Refund, only under the following circumstances:

1. The tax for which a refund is requested was self-accrued and remitted directly to the Department; or

2. The tax for which a refund is requested was paid by a dealer who subsequently resold the communications services for which the tax was paid and who collected and remitted the tax due on the services resold.

(4) Tax refunds requiring a refund application other than Form DR-26 are listed below:

(b)(a) CORPORATE INCOME TAX Corporate Income Tax. Refunds Except as provided in subsection (5), all refunds claimed under Chapters 220 or 221, F.S., must be filed with the Department on the following forms shall be made by the filing of:

1. Form F-1120, Florida Corporate Income/Franchise and Emergency Excise Tax Return or form F-1120A, Florida Corporate Short Form Income Tax (incorporated by reference in Rule 12C-1.051, F.A.C.), or

2. Form F-1120X, Amended Florida Income Tax Return (incorporated by reference in Rule 12C-1.051, F.A.C.).

3. Form DR-26, Application for Refund, only for refunds claimed for amounts deposited by the Department in error or for a duplicate payment of the final corporate return filed with the Department.

(c) ESTATE TAX. Application for all refunds claimed under Chapter 198, F.S., must be made with the Department on a Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (form F-706, incorporated by reference in Rule 12C-3.008, F.A.C.).

(d) INSURANCE PREMIUM TAXES, FEES, AND SURCHARGES. Refunds claimed under Chapter 624, F.S., must be filed with the Department on the following forms:

1. Form DR-908, Insurance Premium Taxes and Fees Tax Return (incorporated by reference in Rule 12B-8.003, F.A.C.).

2. Form DR-26, Application for Refund, only for refunds claimed for amounts deposited by the Department in error or for a duplicate payment of the final insurance premium tax return filed with the Department.

(e) INTANGIBLE PERSONAL PROPERTY TAX. All refunds claimed under Chapter 199, F.A.C., must be filed with the Department on Form DR-26I, Application for Refund-Intangible Personal Property Tax (incorporated by reference in Rule 12-26.008, F.A.C.).

(b) Sales and Use Tax Form DR-29, Refund of Cash Bond (incorporated by reference in Rule 12A-1.097, F.A.C.), is required where a bonded contractor or dealer applies for a refund of a cash bond held by the Department.

(f)(e) MOTOR AND OTHER FUEL TAXES Motor Fuel and Diesel Fuel. For forms required for refunds of taxes imposed under Chapter 206, F.S., see Rule Chapter 12B-5, F.A.C., Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants. (Forms incorporated by reference in Rule 12B-5.150, F.A.C.)

1. Form DR-138, Application for Fuel Tax Refund Agriculture, Aquacultural, and Commercial Fishing Purposes, is required where motor fuel is used for agricultural, aquacultural, or commercial fishing purposes, and the taxpayer is entitled to a refund of the taxes specified in Section 206.41(4)(e), F.S.

2. Form DR-160, Application for Mass Transit System Users Tax Refund, is required where motor fuel or diesel fuel is used in the operation of a mass public transportation system, and the taxes specified in Section 206.41(4)(b), F.S., previously paid pursuant to Sections 206.41 and 206.87, F.S., is refundable.

3. Form DR-189, Application for Fuel Tax Refund Municipalities, Counties and School Districts, is required where a county or municipality operating motor vehicles using motor fuel or diesel fuel is entitled to a refund of the taxes specified in Section 206.41(4)(d), F.S., previously paid pursuant to Sections 206.41 and 206.87, F.S. This form is also required in those instances where a school district, or a private contractor operating school buses for the school district, purchases motor fuel or diesel fuel for use in motor vehicles operated by these entities, which is subject to a refund of taxes specified in Section 206.41(4)(e), F.S., and paid pursuant to Sections 206.41 and 206.87, F.S.

4. Form DR-190, Application for Fuel Tax Refund, Non-Public Schools, is required where a nonpublic school operating school buses or other motor vehicles using motor fuel or diesel fuel is entitled to a refund of taxes specified in Section 206.41(4)(e), F.S., paid pursuant to Sections 206.41 and 206.87, F.S.

5. Form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off-road or Other Exempt Purposes, is required where undyed diesel fuel is used to propel off-road equipment, or used in stationary equipment. The taxes previously paid pursuant to Section 206.87, F.S., are refundable.

(d) Aviation Fuel. Form DR-191, Application for Aviation Fuel Tax Refund Air Carriers (incorporated by reference in Rule 12B-5.150, F.A.C.), is required for those air carriers entitled to receive a refund of taxes imposed on aviation fuel purchased by such carriers.

(e) An amended Insurance Premium Tax. Form DR-908, Insurance Premium Taxes and Fees Tax Return (incorporated by reference in subsection 12B-8.003(1), F.A.C., is required in all instances where insurance companies wish to file for a refund, except as provided in subsection (5).

(f) Estate Tax. Application for all refunds claimed under Chapter 198, F.S., must be made by filing Form F-706 (incorporated by reference in Rule 12C-3.008, F.A.C.).

(g) SALES AND USE TAX, DISCRETIONARY SALES SURTAX, AND FEES. A refund claimed for sales and use taxes, discretionary sales surtaxes, and fees imposed or administered under Chapter 212, F.S., must be filed with the Department on Form DR-26S, Application for Refund-Sales and Use Tax (incorporated by reference in Rule 12-26.008, F.A.C.). An Application for Refund-Sales and Use Tax that is filed under the provisions of Section 212.08(5)(g), (h), (n), (o), and (q), F.S., must contain the forms and other documentation specified in Rule 12A-1.107, F.A.C., to be deemed complete.

(5) Notwithstanding the provisions of subsection (3), Form DR-26 may be used to apply for those refunds of corporate income tax or insurance premium tax which constitute:

- (a) Amounts deposited by the Department in error; or
- (b) A duplicate payment of the final return.

(6) Refund applications may be obtained, without cost, by one or more of the following methods:

(a) Writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or

(b) Faxing the Distribution Center at (850)922-2208; or

(c) Using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or

(d) Visiting any local Department of Revenue Service Center to personally obtain a copy; or

(e) Calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or

(f) Downloading the selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor).

Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(7) through (8) renumbered (4) through (5) No change.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 198.29(1), 199.232(5), 202.23, 213.235, 213.255, 213.34, 213.345, 215.26, 220.725, 624.5092, 624.511, 624.518 FS. History—New 11-14-91, Amended 4-18-93, 4-18-95, 4-2-00, 10-4-01, _____.

12-26.008 Public Use Forms.

(1)(a) The following public use forms are used by the Department in the processing of refunds and refund denials and are hereby incorporated by reference.

(b) These forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site stated in the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2)(1) DR-26	Application for Refund from the State of Florida Department of Revenue (R. 06/03 r. 09/99)	10/01
(3) DR-26I	Application for Refund-Intangible Personal Property Tax (N. 06/03)	---
(4) DR-26S	Application for Refund-Sales and Use Tax (R. 01/03)	---
(5)(2) DR-370026	Mutual Agreement to Audit or Verify Refund Claim (R. 07/02 n. 02/00)	---
(3) DR-26S	Application for Refund-Sales and Use Tax (n. 11/00)1	10/01

Specific Authority 213.06(1) FS. Law Implemented 72.011, 199.183, 199.185, 199.218(5), 201.11, 202.125, 202.23, 206.41, 206.64, 206.8745, 206.97, 206.9815, 206.9875, 206.9941, 206.9942, 212.02(15)(a),(19), 212.05(1)(a)1.b., 212.06(5)(a)1.(7), 212.07(1), 212.08(2)(j),(5)(f),(g),(h), (q),(7), 212.09, 212.11(4),(5), 212.12(6)(a),(c), 212.13(1),(2), 212.14(4), 212.17(1),(2),(3), 212.183, 213.255(2),(3),(4),(12), 213.34, 215.26, 220.725, 220.727, 624.5092, 681.104 FS., ss. 2, 3, 4, 5, 6, 7, 40, Ch. 91-112, L.O.F. History—New 11-14-91, Amended 4-18-93, 10-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12-26, F.A.C. (Refunds), were noticed for a rule development workshop in the Florida Administrative Weekly on June 6, 2003 (Vol. 29, No. 23, pp. 2250-2253). A rule development workshop was held on June 24, 2003. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Collection and Remittance of Fee

RULE NO.: 12A-13.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), is to incorporate changes to the form used by the Department in the administration of the collection of the motor vehicle warranty fee imposed under Section 681.117, F.S.

SUMMARY: The proposed amendments to Rule 12A-13.002, F.A.C.: (1) adopt, by reference, revisions to form DR-35, Motor Vehicle Warranty Remittance Fees; and (2) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 219.07, 320.27(1)(c), 681.102(15), 681.117 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical

Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-13.002 Collection and Remittance of Fee.

(1) through (3) No change.

(4) Form DR-35, Motor Vehicle Warranty Remittance Fee Report (R. ~~01/04 03/03~~), is hereby incorporated, by reference, in this rule. ~~Form DR-35 The Motor Vehicle Warranty Remittance Fee Report (form DR-35)~~ is available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676;~~ or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, ~~4 5~~ calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, ~~5 6~~ downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority 213.06(1) FS. Law Implement 219.07, 320.27(1)(c), 681.102(15), 681.117 FS. History--New 4-5-89, Amended 5-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Melton H. McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-13, F.A.C. (Fee on the Sale or Lease of Motor Vehicles), were noticed for a rule development workshop in the Florida Administrative Weekly on June 6, 2003 (Vol. 29, No. 23, pp. 2253-2254). A rule development workshop was held on

June 24, 2003. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES: RULE NOS.:
 Tax Due at Time of Sale; Tax Returns and Regulations 12A-19.020
 Public Use Forms 12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to provide, dependent upon service billing dates for communications services, which revision of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax to the Department.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, revisions to Form DR-700016; and (2) provide technical changes.

SUMMARY: The proposed amendments to Rule 12A-19.020, F.A.C.: (1) provide that Form DR-700016, Florida Communications Services Tax Return (R. 06/03), is used to report communications services tax on services billed from June 1, 2003, through September 30, 2003; (2) provide that Form DR-700016 (R. 10/03) is used to report communications services tax on services billed in October 2003; (3) provide that Form DR-700016 (R. 11/03) is used to report communications services tax on services billed in November 2003; (4) provide that Form DR-700016 (R. 12/03) is used to report communications services tax on services billed in December 2003; (5) provide that Form DR-700016 (R. 01/04) is used to report communications services tax on services billed from January 1, 2004, through May 31, 2004; (6) provide that Form DR-700016 (R. 06/04) is used to report communications services tax on services billed on or after June 1, 2004; and (7) provide technical changes.

The proposed amendments to Rule 12A-19.100, F.A.C., adopt, by reference, revisions to Form DR-700016.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 202.15, 202.151, 202.16(2), 202.26(3)(a),(c),(d) FS.

LAW IMPLEMENTED: 202.11(4),(11),(12), 202.12(1), 202.13(2), 202.15, 202.151, 202.16, 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.34(3),(4)(c), 202.35(1) FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

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

(c) Form DR-700016, Florida Communications Services Tax Return, contains current tax rates for each local taxing jurisdiction. These rates are also contained on the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor/taxes/local_tax_rates.html). The Department's Internet site and ~~Form~~ Form DR-700016 are revised when the tax rate in any local jurisdiction changes.

(d) The following versions of ~~Form~~ Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
06/04	June 2004 -	June 1, 2004 -
01/04	January 2004 - May 2004	January 1, 2004 - May 31, 2004
12/03	December 2003	December 1, 2003 - December 31, 2003
11/03	November 2003	November 1, 2003 - November 30, 2003
10/03	October 2003	October 1, 2003 - October 31, 2003
06/03	June 2003 - September 2003	June 1, 2003 - September 30, 2003
03/03	March 2003 - May 2003	March 1, 2003 - May 31, 2003
01/03	January 2003 - February 2003	January 1, 2003 - February 28, 2003
12/02	December 2002	December 1, 2002 - December 31, 2002
11/02	November 2002	November 1, 2002 - November 30, 2002
10/02	October 2002	October 1, 2002 - October 31, 2002
01/02	January 2002 - September 2002	January 1, 2002 - September 30, 2002
12/01	October 2001 - December 2001	October 1, 2001 - December 31, 2001

(4) through (10) No change.

Specific Authority 202.15, 202.151, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.151, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33(2), 202.35(1) FS. History—New 1-31-02, Amended 4-17-03, 7-31-03, 10-1-03, _____.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304 32399-0100; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated FAX On Demand system at (850)922-3676; or, 4)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, ~~4~~ 5 calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, ~~5~~ 6 downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
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(2) No change.

(3)(a) DR-700016	<u>Florida Communications Services Tax Return (R. 06/04)</u>	_____
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(b) DR-700016	<u>Florida Communications Services Tax Return (R. 01/04)</u>	_____
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(c) DR-700016	<u>Florida Communications Services Tax Return (R. 12/03)</u>	_____
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(d) DR-700016	<u>Florida Communications Services Tax Return (R. 11/03)</u>	_____
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(e) DR-700016	<u>Florida Communications Services Tax Return (R. 10/03)</u>	_____
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(a) through (h) renumbered (f) through (m) No change.

(4) through (8) No change.

Specific Authority 202.151, 202.16(2), 202.26(3)(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.151, 202.16(2),(4), 202.17(6), 202.34(3),(4)(c) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-7157

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-19, F.A.C., Communications Services Tax, were noticed for a rule development workshop in the Florida Administrative Weekly on December 12, 2003 (Vol. 29, No. 50, pp. 4846-4847). A rule development workshop was held on January 7, 2004. No one appeared to provide comment regarding these proposed rule changes.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE:	RULE NO.:
Payment of Tax; Reports; Public Use Forms	12B-6.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-6.005, F.A.C. (Payment of Tax; Reports; Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the gross receipts tax imposed on utility services.

SUMMARY: The proposed amendments to Rule 12B-6.005, F.A.C.: (1) adopt, by reference, changes to Form DR-133 (Gross Receipts Tax Return), which include providing instructions for filing the return; (2) remove obsolete Form DR-133N (Instructions for Filing Gross Receipts Tax Return); and (3) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 203.01, 213.255(1),(2),(3), 213.37, 215.26 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing

or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-6.005 Payment of Tax; Reports; Public Use Forms.

(1) No change.

(2)(a) The following public-use forms and instructions are employed by the Department in its dealings with the public related to the administration of utility services. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

Form Number	Title	Effective Date
(3)(a) DR-133	Gross Receipts Tax Return (R. 06/04 04/03)	_____ 05/03
(b) DR-133N	Instructions for Filing Gross Receipts Tax Return (R. 01/03)	_____ 05/03

Specific Authority 213.06(1) FS. Law Implemented 203.01, 213.255(1),(2),(3), 213.37, 215.26 FS. History—New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89, 5-4-03, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-7157

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-6.005, F.A.C. (Payment of Tax; Reports; Public Use Forms), were noticed for a rule development workshop in the Florida Administrative Weekly on December 12, 2003 (Vol. 29, No. 50, pp. 4847-4848). A rule development workshop was held on January 7, 2004. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Public Use Forms
 RULE NO.: 12B-7.031

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), of Part III of Rule Chapter 12B-7, F.A.C. (Mitigation Fee on Mining), is to adopt, by reference, changes to the form used by the Department in the administration of the Miami-Dade County Lake Belt Mitigation Fee.

SUMMARY: The proposed amendments to Rule 12B-7.031, F.A.C., adopt, by reference, changes to Form DR-146, Miami-Dade County Lake Belt Mitigation Fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b),(2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.031 Public Use Forms.

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee. This form and instructions are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-146	Miami-Dade County Lake Belt Mitigation Fee Monthly Return (R. <u>01/04 01/03</u>)	<u>10/03</u>

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b),(2),(3),(4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History--New 10-1-03, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), were noticed for a rule development workshop in the Florida Administrative Weekly on December 19, 2003 (Vol. 29, No. 51, pp. 4939-4940). A rule development workshop was held on January 7, 2004. No one appeared to provide comment regarding these proposed rule changes.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Tax Statement; Overpayments

RULE NO.: 12B-8.003

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms

used by the Department in the administration of the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C.: (1) adopt, by reference, changes to insurance premium tax Forms DR-907, DR-907N, DR-908, DR-908N, and DR-350900; and (2) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.05, 213.37, 624.5092, 624.511, 624.518 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

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, telephone (850)922-4715

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) Copies of these ~~the~~ forms ~~DR-907 and DR-908~~ are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4 5) calling the Forms Request Line during regular office hours at ~~4~~(800)352-3671 (in Florida only) or (850)488-6800; or, 5 6)

downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(3) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. 01/04 01/03)	<u>05/03</u>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form form DR-907) (R. 01/04 01/03)	<u>05/03</u>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return Calendar Year 2003 2002 (R. 01/04 01/03)	<u>05/03</u>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. 01/04 01/03)	<u>05/03</u>
(7) DR-350900	2003 2002 Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. 01/04 01/03)	<u>05/03</u>

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, _____.

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, telephone (850)922-4715

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), were noticed for a rule development workshop in the Florida Administrative Weekly on December 12, 2003 (Vol. 29, No. 50, pp. 4848-4849). A rule development workshop was held on January 7, 2004. No one appeared to provide comment regarding these proposed rule changes.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLES:	RULE NOS.:
Special Rules Relating to Estimated Tax Forms	12C-1.034 12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.034, F.A.C. (Special Rules Relating to Estimated Tax), is to: (1) clarify to which

installment a payment of estimated tax applies when the payment is made between installment due dates; and (2) properly reflect the interest rates imposed on late payments.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

SUMMARY: The proposed amendments to Rule 12C-1.034, F.A.C.: (1) clarify that when a payment of estimated tax is made between installment due dates, it will be applied to the earliest installment due; and (2) provide that the rate of interest on any underpayment of estimated tax is established in Section 220.807, F.S.

The proposed amendments to Rule 12C-1.051, F.A.C.: (1) adopt, by reference, changes to Forms F-1120, F-1120A, F-1120ES, F-1120N, F-1120X, F-1120XN, F-2220, and F-7004; and (2) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 213.21, 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.02, 221.04 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Paul, Tax Law Specialist, and Charles Dunning, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-1.034 Special Rules Relating to Estimated Tax.

- (1) through (8) No change.
- (9) Underpayment of estimated tax.
- (a) through (f) No change.
- (g) Period of underpayment.
- 1. through 2.a. No change.

b.(I) If a payment is made between installment dates, it will be applied to the earliest last installment due, to the extent of any deficiency in payments. However, penalty and interest will apply from the original due date of the installment until the date paid.

- (II) through (III) No change.
- (h) No change.

(i) The taxpayer is liable, ~~per s. 220.34(2)(a), F.S.~~, for interest at the rate determined under Section 220.807, F.S., ~~of 12 percent per annum~~ upon the amount of any underpayment of estimated tax. The taxpayer is also liable, per Section s. 220.34(2)(a), F.S., for penalty at the rate of 12 percent per annum upon the amount of any underpayment of estimated tax.

- (j) through (13) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 213.21, 220.131, 220.24, 220.241, 220.33, 220.34, 221.02, 221.04 FS. History—New 10-20-72, Amended 10-20-73, 7-27-80, 12-18-83, Formerly 12C-1.34, Amended 12-21-88, 4-8-92, 5-17-94, 3-18-96, 3-13-00,_____.

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676;~~ or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) through (4)	No change.	
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. 01/04 05/03)	___ 06/03
(6)(a) F-1120	Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/04 04/03)	___ 06/03

(b) F-1120N	F-1120 Instructions-Corporate Income/ Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2003 2002 (R. 01/04 05/03)	___ 06/03
(7) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax for Taxable Year Beginning on or after January 1, 2004 2003 (R. 01/04 04/03)	___ 06/03
(8)(a) F-1120X	Amended Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. 01/04 04/03)	___ 06/03
(b) F-1120XN	Instructions for Preparing Form F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/04 04/03)	___ 06/03
(9) through (14)	No change.	
(15) F-1160	Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (SPOs) (R. 07/04 04/04)	___ 03/04
(16) F-2220	Underpayment of Estimated Tax on Florida Corporate Income/Franchise and Emergency Excise Tax (R. 01/04 04/04)	___ 08/02
(17) F-7004	Florida Tentative Income/Franchise and/or Emergency Excise Tax Return and Application for Extension of Time to File Return (R. 01/04 04/03)	___ 06/03

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04,_____.

NAME OF PERSONS ORIGINATING PROPOSED RULE: Suzanne Paul, Tax Law Specialist, and Charles Dunning, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12C-1.034, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on November 30, 2001 (Vol. 27, No. 48, pp. 5594-5599). A rule development workshop was held on December 18, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida. The proposed rule amendments to Rule 12C-1.051, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 12, 2003 (Vol. 29, No. 50, pp. 4849-4850). A rule development workshop was held on January 7, 2004, in Room 118, Carlton Building, 501 S.

Calhoun Street, Tallahassee, Florida. No one appeared at the workshops to provide comments regarding the proposed changes. No written comments have been received by the Department. The Department has made changes to the proposed amendments to Rule 12C-1.051, F.A.C., to adopt, by reference, changes to Form F-1160, Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (SFOs). The Department has also made technical changes.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLES: PUBLIC USE FORMS REFUNDS
 RULE NOS.: 12C-2.0115 12C-2.012

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the intangible personal property tax.

The purpose of proposed amendments to Rule 12C-2.012, F.A.C. (Refunds), is to provide when the Department, pursuant to Section 199.232(7), F.S., will refund an overpayment of intangible personal property tax.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C.: (1) adopt, by reference, changes to intangible tax Forms DR-601C, DR-601CN, DR-601CS, DR-601-I, DR-601IN, and DR-601IS; and (2) provide technical changes.

The proposed amendments to Rule 12C-2.012, F.A.C.: (1) provide that form DR-26I, Application for Refund-Intangible Personal Property Tax, is to be used by taxpayers to request a refund of intangible personal property tax; and (2) provide guidelines on when, pursuant to Section 199.232(7), F.S., the Department will grant an automatic refund of an overpayment of intangible personal property tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 199.202, 213.06(1) FS.

LAW IMPLEMENTED: 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.185(2), 199.232, 199.252, 199.292, 213.255(2), (3), 215.26(2) FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida ~~32304 32399-0100~~; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated FAX On Demand system at (850)922-3676; or, 4)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, ~~4 5~~ calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, ~~5 6~~ downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-601-C	<u>2004</u> 2003 Florida Intangible Personal Property Tax Return for Corporation, Partnership, and Fiduciary Filers as of January 1, <u>2004</u> 2003 (R. <u>01/04</u> 01/03)	____ <u>05/03</u>
(3) DR-601CN	<u>2004</u> Instructions for Filing Form DR-601C Intangible Personal Property Tax Return for Corporation, Partnership and Fiduciary Filers (R. <u>01/04</u> 01/03)	____ <u>05/03</u>

- (4) DR-601CS 2004 ~~2003~~ Schedules B, C, D, and E for use with DR-601C (R. 01/04 ~~01/03~~) _____ 05/03
- (5) No change.
- (6) DR-601-I 2004 ~~2003~~ Florida Intangible Personal Property Tax Return for Individual and Joint Filers as of January 1, 2004 ~~2003~~ (R. 01/04 ~~01/03~~) _____ 05/03
- (7) DR-601IN 2004 Instructions for Filing Form DR-601I Intangible Personal Property Tax Return for Individual and Joint Filers (R. 01/04 ~~01/03~~) _____ 05/03
- (8) DR-601IS 2004 ~~2003~~ Schedules B, C, D, and E for use with DR-601I (R. 01/04 ~~01/03~~) _____ 05/03
- (9) through (16) No change.

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03,_____.

12C-2.012 Refunds.

(1)(a) Any person entitled to a refund of intangible personal property taxes may seek a refund by filing an Application for Refund-Intangible Personal Property Tax (Form ~~form~~ DR-26I, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. Form DR-26I must be in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

(b) ~~1.(2)(a)~~ Form DR-26I, Application for Refund-Intangible Personal Property Tax, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid.

~~2.(b)~~ Form DR-26I, Application for Refund-Intangible Personal Property Tax, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid.

(2)(a) An automatic refund of the amount of overpayment of tax will be granted by the Department when the Department determines upon examination that an overpayment of the tax with the return has occurred, that no additional information is required to determine the correct amount of tax due, and that the overpayment of tax is in accordance with the timing provisions of Section 215.26(2), F.S.

(b) For example, an automatic refund will granted by the Department when an examination of the return reveals that:

1. The discount pursuant to Section 199.042(2), F.S., has been understated.

2. The exemption provided in Section 199.185(2), F.S., has been understated.

3. The payment made with an Application for Extension of Time to File (Form DR-602, incorporated by reference in Rule 12C-2.0115, F.A.C.) exceeds the amount of tax due when the return is filed; or

4. A mathematical error on the return, such as the use of an incorrect tax rate or other calculation error, results in an overpayment.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.042(2), 199.185(2), 199.232, 199.252, 213.255(2), (3), 215.26(2) FS. History—New 4-17-72, Formerly 12C-2.12, Amended 11-21-91, 5-4-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12C-2, F.A.C. (Intangible Personal Property Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on June 6, 2003 (Vol. 29, No. 23, pp. 2281-2282). A rule development workshop was held on June 24, 2003. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incentive/Disincentive Provisions
 RULE CHAPTER NO.: 14-93

RULE TITLE: Incentive/Disincentive Provisions
 RULE NO.: 14-93.004

PURPOSE AND EFFECT: Section 337.18(4)(a), Florida Statutes (2003), removed the limit of \$10,000 per day limit on incentive/disincentive payments. Section 337.18(4)(a), Florida Statutes, now requires the amount of such incentive/disincentive payments to be established by contract based upon the factors stated in that statute.

SUMMARY: The sentence, which limited the maximum amount of incentive/disincentive to \$10,000 per day is being deleted to make the rule agree with the Florida Statutes, which no longer includes this limit.

SPECIFIC AUTHORITY: 334.044(2), 337.18(4)(b) FS.

LAW IMPLEMENTED: 337.18(4) 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 SCHEDULED AND ANNOUNCED IN THE FAW:

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

THE FULL TEXT OF THE PROPOSED RULES IS:

14-93.004 Incentive/Disincentive Provisions.

(1) Purpose. This rule governs the use of incentive/disincentive provisions in contracts. Procedures pertaining to incentive/disincentive provisions, including criteria for the selection of projects on which incentive payments and additional damages may be provided for by contract, are set forth in this rule.

(2) Background. Sections 337.18(4)(a) and (b), Florida Statutes, authorize the use of incentives/disincentive provisions in contracts where the Department determines and adequately documents that the project will provide a substantial benefit to the public health, safety, or welfare; will limit the disruptive effect of construction on the community; or is cost beneficial on a revenue producing project. Incentive/disincentive provisions in a contract compensate the contractor a predetermined amount of money for each day identified work is completed ahead of schedule and assess an equal deduction for each day the contractor is late in meeting the time specified.

(3) Procedure. All contracts containing incentive/disincentive provisions shall be approved by the District Secretary (District Projects) or the Secretary of Transportation (Central Office Projects), or designee, based upon a finding that the requirements of this rule have been met.

(a) Monetary and Time Limitations. The monetary and time requirements for incentive/disincentive provisions should be established based on the facts supporting each project. ~~Section 337.18(4)(a), Florida Statutes, limits incentive/disincentive provisions to a maximum of \$10,000 per calendar day, except for revenue producing projects.~~ For revenue producing projects, the incentive amount per calendar day may be greater if an analysis indicates that additional revenues projected to be received upon completion of the project will exceed the cost of the incentive payments. To determine the project per day incentive/disincentive amount the Department will consider maintenance of traffic cost, road users' cost, detour impacts to the public, and cost of construction engineering inspection and administration of the project. To determine the project maximum number of incentive/disincentive days the Department will consider the

expected length of project time, compared to project time with possible use of extended shifts, for both work day and work week, and dedication of increased personnel and construction resources. Liquidated damages shall be separate from any calculation of disincentive amounts under this rule.

(b) Criteria for Project Selection. Projects determined to be capable of accelerated construction will be considered eligible for inclusion of an incentive/disincentive provision. Project documentation shall include factors supporting the necessity to encourage an accelerated, and discouraging delayed, completion of project or critical phases of work. Such factors will be economic and business impacts, disruption to the traveling public, community and residential impacts, and safety.

Specific Authority 334.044(2), 337.18(4)(b) FS. Law Implemented 337.18(4) FS. History—New 11-21-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ananth Prasad, Director, State Construction Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Nursing Facility Services

RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUMMARY: The handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA). In addition, the handbook contains clarification of the following policies: procedures for certified nursing assistant reimbursement, procedures for the election of hospice by nursing facility residents, and Pre-Admission Screening and Resident Review (PASRR) requirements. Language was added to emphasize that the nursing facility must not bill for a Medicaid recipient until after the amount of patient

responsibility has been determined and received from the Department of Children and Families, that the nursing facility must give thirty days written notice of a proposed transfer or discharge, and that the facility must comply with Denial of Payment of New Admissions sanctions imposed by the Centers for Medicare and Medicaid. The summary of resident rights was added, and the new contribution form that is required when a contribution is made to the facility was included.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 400 Part II, 409.902, 409.905, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, July 6, 2004

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: Kris Russell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7353

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003 ~~August 2000~~, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

(3) The following forms that are included in the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook are incorporated by reference: AHCA Form 5210-001, August 2000, Nurse Aide Training and Competency Evaluation Program Invoice, available from the Medicaid area offices; CF-ES 2506, Feb. 2003, Client Discharge/Change Notice, available from the Department of Children and Families district offices; CF-ES 2506A, May 2003, Client Referral/Notice, available from the Department of Children and Families district offices; PASRR Checklist, October 2003, may be photocopied from the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook; and

AHCA Form 5000-3300, April 02, Medicaid Nursing Facility/ICF-DD Contribution Notice, available from the Medicaid area offices.

Specific Authority 409.919 FS. Law Implemented Chapter 400 Part II, 409.902, 409.905, 409.908 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, 10-15-00, 10-4-01, 2-10-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kris Russell

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient Hospital Services

RULE NO.:

59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) Payment methodology, effective May 1, 2004. These changes are based upon a recalculation of 2003-04 Special Medicaid payment methodology to reflect final total payments.

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.

SUMMARY: A recalculation of the 2003-04 Special Medicaid payment methodology to reflect final total payments.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., July 13, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida. 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXVI~~ ~~XXXV~~, Effective Date February 17, 2004, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLES:	RULE NOS.:
Application for Acupuncture Certification	64B2-11.012
Acupuncture Certification Examination	64B2-11.013

PURPOSE AND EFFECT: The Board proposes to update the existing language in these rules.

SUMMARY: The Board specifies the requirements for obtaining the acupuncture certification including an accredited 100 hour course. The Board adopts the acupuncture certification examination and scoring set by the National Board of Chiropractic Examiners.

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), (5), 460.405 FS.

LAW IMPLEMENTED: 456.017(1)(b), (5), 460.403, 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rules 64B2-11.012 and 64B2-11.013, F.A.C., follows. See Florida Administrative Code for present text.)

64B2-11.012 Application for Acupuncture Certification Examinations.

(1) Any person licensed or applying for licensure by the Board who also desires to be certified in acupuncture shall apply to the Department of Health.

(2) The Board shall certify as eligible to take the acupuncture examination only those applicants who have completed a course of no less than 100 hours in acupuncture in an institution which is recognized by an accrediting agency approved by the U.S. Department of Education.

(3) The applicant is responsible for payment of the appropriate application and licensure fees.

Specific Authority 460.405 FS. Law Implemented 460.403, 460.406 FS. History—New 10-6-86, Amended 7-5-87, 2-1-88, Formerly 21D-11.012, 61F2-11.012, 59N-11.012, Amended 2-15-98,_____.

64B2-11.013 Acupuncture Certification Examination.

(1) The Board designates the acupuncture certification examination administered by the National Board of Chiropractic Examiners as the examination for Florida certification.

(2) The acupuncture certification examination shall measure competency in the knowledge of anatomy and physiology of point and point locations, therapeutic and diagnostic acumen, sterile technique, meridian therapy, and the stimulation of various points on or within the body by needle insertion or any other method of stimulation.

(3) The Board adopts a passing score as set by the National Board of Chiropractic Examiners.

(4) Passage of the acupuncture certification examination shall not grant any applicant the right to practice chiropractic or acupuncture without passing the chiropractic licensure examination.

Specific Authority 456.017(1)(b), (5), 460.405 FS. Law Implemented 456.017(1)(b), (5), 460.406(3) FS. History—New 10-6-86, Amended 1-28-87, 5-10-87, 8-7-88, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.013, 61F2-11.013, 59N-11.013, Amended 2-15-98, 11-19-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

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

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

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

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Deceptive and Misleading Advertising

RULE NO.:

Prohibited; Policy; Definition 64B2-15.001

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The Board is adding requirements that advertising for a chiropractor must disclose the chiropractor by name and degree and that the listing of a degree must be by a person licensed in that profession in Florida or contain the disclaimer.

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: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) It is the policy of the Board of Chiropractic that advertising by licensed practitioners of the profession of chiropractic in this State should be regulated so as to effectuate the duty of the State of Florida to protect the health, safety and welfare of its residents, while not abridging any rights guaranteed to such practitioners or to the public by the Constitution of the United States and the State of Florida, as construed by the United States Supreme Court and the Florida Supreme Court. To that end, the Board permits the dissemination to the public of legitimate information, in accordance with the Board's rules, regarding the art and science of Chiropractic and where and from whom chiropractic services may be obtained, so long as such information is in no way fraudulent, false, deceptive, or misleading.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) Contains a misrepresentation ~~misrepresentation~~ of facts; or

(b) Is misleading or deceptive because in its content or in the context in which it is presented it makes only partial disclosure of relevant facts. More specifically, the Board finds that it is misleading and deceptive for a chiropractor to advertise free services (i.e. x-rays, examination, etc.) or services for a specific charge when in fact the chiropractor is transmitting a higher charge for the advertised service to a third party payor for payment. The Board finds it misleading and deceptive to fail to include the fact that x-rays and/or video fluoroscopy will only be given if medically necessary in an

advertisement for free x-rays and/or video fluoroscopy. For the purpose of this rule, a verbal announcement or a minimum of 15 second exposure of the disclaimer clause required by Chapter 456.062, F.S., is required for free services advertised on radio or television. The Board also finds that it is misleading and deceptive for a chiropractor or a group of chiropractors to advertise a chiropractic referral service or bureau unless the advertisement specifically names each of the individual chiropractors who are participating in the referral service or bureau. Referral services that operate on a national or statewide basis, and that have at least 50 participating members, do not have to specifically name each individual chiropractor participating in the service on their advertisements. Any advertisement generated by or on behalf of a chiropractor must disclose that it is generated by or on behalf of a chiropractor by including a reference to the chiropractor by name and degree.

(c) through (h) No change.

(i) Contains any representation regarding a preferred area of practice or an area of practice in which the practitioner in fact specializes, which represents or implies that such specialized or preferred area of practice requires, or that the practitioner has received any license or recognition by the State of Florida or its authorized agents, which is superior to the license and recognition granted to any chiropractor who successfully meets the licensing requirements of Chapter 460, F.S. However, a chiropractor is not prohibited from advertising that he has attained Diplomate status in a specialty area recognized by the Board of Chiropractic; or

(j) ~~Reserved.~~ (k) Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the chiropractor; or

(k)(4) Contains any other representation, statement or claim which is misleading or deceptive; or

(l)(m) Contains a reference to any other an allopathic or osteopathic medical degree or uses the initials "M.D." or "D.O." or any other initials unless the chiropractic physician has actually received such a degree and is a licensed holder of such degree in the State of Florida. If the chiropractic physician is not licensed to practice allopathic or Osteopathic medicine in Florida, the chiropractic physician must disclose this fact, and the letterhead, business card, or other advertisement shall also include next to the reference or initials a statement such as "Not licensed as a medical doctor in the State of Florida" or "Licensed to practice chiropractic medicine only" in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 21, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 16, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE TITLE: Temporary Cash Assistance Eligibility of Pregnant Women
RULE NO.: 65A-4.215

PURPOSE AND EFFECT: This rule amendment clarifies Temporary Cash Assistance (TCA) eligibility verification requirements for pregnant women.

SUMMARY: This rule amendment provides for acceptance of client statement for the ninth month of pregnancy and "verbal" or written verification of pregnancy and the inability to participate in TCA work activities during the last trimester of pregnancy. It also clarifies the definition of the third trimester and the ninth month of pregnancy.

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(1), 414.45, 414.095(19) FS.

LAW IMPLEMENTED: 414.095(1),(2)(b)5.,(6) 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., July 8, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 470, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen Schilling, Program Administrator, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, (850)414-5643

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.215 Temporary Cash Assistance Eligibility of Pregnant Women

(1) Temporary cash assistance (TCA) eligibility may be available is extended to eligible pregnant women who have no other eligible children in the home in the ninth month of pregnancy in accordance with Section 414.095(6), F.S.

~~Eligibility is determined as if the child was already born and residing in her home. The ninth month is defined as the calendar month in which the due date falls. A pregnant woman restricted from participation in work activities by orders of a licensed physician may qualify for TCA upon application at the beginning of the last trimester of pregnancy as determined by the licensed physician.~~

~~(2) The applicant's statement will be accepted for must provide a written medical diagnosis of pregnancy indicating the expected ninth month of pregnancy, or the expected months of the last trimester. This statement must be signed by a licensed physician, nurse practitioner, registered nurse, licensed practical nurse or certified midwife and give the anticipated date of delivery. The physician, nurse or midwife can be in private practice or acting as an associate of a hospital, clinic, or health facility. The statement must be written on the official letterhead of the physician, nurse, midwife or facility. If the applicant is restricted from work activities, this restriction must be stated in the diagnosis. A statement of Rrestrictions from work activities and the month the last trimester begins must be verified in writing or verbally signed by a licensed physician for TCA benefits to be authorized prior to the ninth month of pregnancy.~~

~~(3) The standard filing unit is determined pursuant to 65A-1.203511, and as if the child was born. Only tThe needs of the pregnant woman, however, are only considered in the budget calculation. The needs of the unborn child are not considered until birth. The pregnant woman is the only assistance group member.~~

~~(4) Pregnant women who are residents of state institutions, are in foster homes or other state-funded homes, or are having their care paid by the department in licensed maternity homes are not eligible.~~

~~(5) Unwed Mminors who are mandatory assistance filing unit members as children in another temporary cash assistance case are not eligible under this rule because of Sections 414.095(2)(b)1. and (2)(b)4., F.S.~~

~~(6) In active cases when the child is determined eligible for temporary cash assistance, the child is added for direct assistance effective the date month of birth, even when payment is authorized in a later month.~~

~~(7) When the pregnancy terminates by other than a live birth, eligibility for direct assistance continues through the month of delivery or termination of the pregnancy and extends through the month of release from the hospital for the delivery or for the termination. Notice of cancellation must be sent to the client, but ten-day advance notice is not required provided.~~

~~(8) When the mother does not bring the child home following delivery due to placement in foster care or adoption, eligibility continues through the month of delivery and any subsequent months of hospitalization necessary due to the pregnancy and delivery for the mother. The child is eligible for~~

TCA for the month of birth only. Adequate notice of cancellation must be given to the client, but ten-day advance notice is not required provided.

(9) When an application is received prior to the last month of pregnancy from a pregnant woman with no other children or, in a situation where the woman is restricted from work activity prior to the third trimester, TCA the application will be accepted and will be denied. The applicant will have hearing rights as provided elsewhere in rule. But, if the application can be processed in accordance with processing standards established in Rule 65A-1.205, F.A.C., so that, in the event of approval, approval will not occur prior to the last month of pregnancy or the third trimester of pregnancy, the application will not be denied solely because it is premature. When the application is denied solely because it was made prior to a period when the pregnant woman could be eligible, the Economic Self Sufficiency public assistance specialist will advise the applicant of the periods of eligibility and the conditions of eligibility for the third trimester.

Specific Authority 120.54(1), 414.45, 414.095(19) FS. Law Implemented 414.095(1), (2)(b)5., (6) FS. History—New 5-3-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon, Government Operations Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Eileen Schilling, Program Administrator, Economic Self-Sufficiency
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2003

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-50.001
Definitions	67-50.005
Fees	67-50.010
Notice of Funding Availability (NOFA)	67-50.020
General Program Eligible Activities	67-50.030
General Program Restrictions	67-50.040
HAP Restrictions	67-50.050
HOME Restrictions	67-50.060
Application and Selection Procedures	67-50.070
Credit Underwriting Procedures	67-50.080
Disbursement of Funds, Draw Requests, and Loan Servicing	67-50.090
Compliance and Monitoring	67-50.100

PURPOSE, EFFECT AND SUMMARY: The purpose of these rule amendments is to refine the procedures by which the Corporation shall administer the Homeownership Loan Program.

SPECIFIC AUTHORITY: 420.507(12), (23), (14) FS.

LAW IMPLEMENTED: 420.5088, 420.5089 FS.

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

TIME AND DATE: 10:00 a.m., Thursday, July 8, 2004

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

THE PERSON TO CONTACTED REGARDING THE PROPOSED RULES IS: Bridget Warring, Homeownership Loan Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-50.001 Purpose and Intent.

The purpose of this ~~r~~Rule ~~c~~Chapter is to establish the Homeownership Loan Program procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program and provide purchase assistance to Eligible Homebuyers under the HAP Permanent Loan Program; as authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership ~~Loan~~ Program; as authorized by Chapter 420.5089, F.S. and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this ~~r~~Rule chapter by reference.

Specific Authority 420.507 (12), (14) FS, Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History--New 9-5-02, Amended _____.

67-50.005 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act, ~~as found in Chapter 420, Part V, F.S. Florida Statutes, as amended in effect on the date of this Rule Chapter.~~

(2) "Address" means the address assigned by the United States Postal Service and (USPS), ~~which~~ must include address number, street name, city, state and zip code. If the address USPS has not yet assigned ~~an address~~, include, at a minimum, street name and closest designated intersection and the city, state and zip code.

(3) "Adjusted Income" means the gross income from wages or assets, cash or non-cash contributions, and any other resources and benefits determined to be income by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, as defined in 24 CFR § 5.609, formerly known as Section 8, which is adopted and incorporated herein by reference.

(4) "Affiliate" means any person or entity that:

(a) Directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant;

(b) Serves as an officer or director, agent, employee, or any business entity or person associated with the Applicant in the furtherance of a business venture for which the Applicant is applying for one of Florida Housing's Programs ~~assistance from the Corporation~~; or

(c) Is the spouse, parent, child, sibling, or relative by marriage of a person described in paragraph (a) or (b) above.

(5) "Applicant" means any person or legally formed entity that is seeking a loan or funding from Florida Housing by submitting an Application for one of Florida Housing's Programs. ~~a legally formed entity in existence at the time of Application, which is authorized to conduct business in the state of Florida, and:~~

(a) ~~With respect to the HAP Program, is a Non Profit Developer, or a Non Profit Sponsor proposing to build affordable homeownership housing;~~

(b) ~~With respect to the HOME Program, is a Community Housing Development Organization (CHDO), a public housing authority, a local government, a Non-Profit organization, or a private for-profit organization (including a corporation, limited partnership, limited liability company, partnership and a sole proprietorship) proposing to build affordable homeownership housing.~~

(6) "Application" means the forms and exhibits created by Florida Housing for the purpose of providing the means to apply for one or more Florida Housing programs. A completed Application may include additional supporting documentation provided by an Applicant completed forms from the Application Package together with all exhibits submitted to the Corporation in order to apply for either HAP or HOME Loan funds, in accordance with this Rule Chapter and the Application Package instructions, which is adopted and incorporated herein by reference.

(7) "Application Deadline" means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(8) "Application Package" ~~or "HOMEOWN-0530 (Rev. 4/03)"~~ means the forms and instructions obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 and available on the Corporation's website at www.floridahousing.org, which shall be completed and submitted to the Corporation in order to apply for a specific Florida Housing Program(s) either HAP or HOME funds, which is adopted and incorporated herein by reference and effective on the date of the latest amendment to this Rule Chapter.

(9) "Application Period" means the period during which Applications shall be accepted, ~~as noticed in the Florida Administrative Weekly and posted on Florida Housing's web site at www.floridahousing.org.~~

(10) “Appraisal” means an appraisal of a residence prepared by a Qualified Appraiser.

(11)(10) “Area Median Income” (AMI) means the median income for an area, with adjustments made for household size, as determined by the United States Department of Housing and Urban Development (HUD).

(12)(11) “Board” means the Board of Directors of the Florida Housing Finance Corporation.

(13) “Calendar Days” means, with respect to computing any period of time allowed by this rule, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

(14)(12) “Code” means the Internal Revenue Code of 1986, as in effect on the date of this Rule Chapter, together with corresponding and applicable final, temporary or proposed regulations, and revenue rulings issued or amended with respect thereto notices, and revenue rulings issued by the Treasury Department or the Internal Revenue Service of the United States, and which is adopted and incorporated herein by reference.

(15)(13) “CBO” or “Community Based Organization” means a Community Based Organization as defined by Section 420.503 or 420.524, F.S. a private non-profit corporation, organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, authorized to conduct business in Florida, and certified by the Corporation to receive priority when applying for HAP funds.

(16)(14) “CHDO” or “Community Housing Development Organization” or means Community Housing Development Organization as defined in Section 420.503, F.S. (CHDO) means an organization that is organized pursuant to HUD Notice CPD 97-11, which is adopted and incorporated herein by reference.

(17)(15) “Consolidated Plan” means the plan prepared in accordance with HUD Regulations, 24 CFR § 91, which is adopted and incorporated herein by reference, and which describes needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program a plan which describes the needs, resources, priorities and proposed activities to be undertaken which is prepared by the Department of Community Affairs, in accordance with HUD Regulation, 24 CFR § 91, which is adopted and incorporated herein by reference.

(18)(16) “Construction Loan” means a loan made available to a Developer, in amount not to exceed thirty three percent (33%) of the Total Development Cost, which utilizes either HAP or HOME Construction funds.

(19)(17) “Contact Person” means the person with whom Florida Housing the Corporation will correspond concerning the Application and the Development, as designated by the Applicant. This person cannot be a third party consultant.

(20)(18) “Contractor” means a person or entity who enters into a written contract to sell commodities or provide contractual services to the Corporation, duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

(21)(19) “Corporation” or “FHFC” or “Florida Housing” means the Florida Housing Finance Corporation as defined in Section 420.503, F.S. means the Florida Housing Finance Corporation.

(22)(20) “Credit Underwriter” means the independent contractor under contract with the Corporation having the responsibility for providing credit underwriting services; including, but not limited to, a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, the evidence of need for affordable housing in order to determine that the Development meets the program requirements and determine a recommended HAP or HOME loan amount.

(23) “Credit Underwriting” means an in-depth analysis by the Credit Underwriter of all documents submitted in connection with an Application.

(24) “Credit Underwriting Report” means a report that is a product of Credit Underwriting.

(25) “Default” means the failure to make required payments on a financial loan secured by a first mortgage which leads to foreclosure and loss of property ownership.

(26) “Department” or “DCA” means the Department of Community Affairs as defined in Section 420.503, F.S.

(27)(21) “Developer” means an individual, association, corporation, joint venture, or limited partnership, which possesses limited liability company, or partnership, possessing the requisite skill, experience, and credit worthiness to successfully produce affordable single-family housing pursuant to this Rule Chapter.

(28) “Developer Fee” means the fee earned by the Developer.

(29)(22) “Development” means Project as it is defined in Section 420.503, F.S. any work or improvement located or to be located in the state, including real property, all buildings, and any other real and personal property which is:

(a) Designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or households;

(b) Consists of at least four (4) homes;

(c) Meets the minimum set aside requirements and sales price limits of either the HAP or HOME Program, as applicable; and

(d) Can be identified by legal description or street address.

~~(30)(23)~~ “Development Cost” means the total of all costs incurred in the completion of a Development excluding Developer Fee, acquisition cost of existing developments, and total land cost as shown in the Development Cost line item on the development cost pro forma within the Application, as shown in the Development Cost line item on the development cost pro forma within the Application, subject to the approval by the Credit Underwriter and the Corporation, and pursuant to 24 CFR § 92.206 where applicable.

~~(31)(24)~~ “Difficult to Develop Areas” or “DDA” means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5) of the Internal Revenue Code.

~~(32)(25)~~ “Document” means a written, electronic media, or graphic matter of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible item on which information is recorded.

~~(33)(26)~~ “Draw” means the disbursement of funds to a Development under the HAP or HOME Program.

~~(34)(27)~~ “Elderly” means elderly as defined in Section 420.503, F.S. (67-32), with respect to the HAP Program, a person 62 years of age or older, and with respect to the HOME Program, a person meeting the Federal Fair Housing Act requirements for the Elderly.

~~(35)(28)~~ “Eligible Homebuyer” means one or more natural persons or a household, irrespective of race, creed, religion, national origin, or sex, determined by the Corporation to be of very low or low to moderate income and who will utilize the home as their primary residence. In determining the income standards of eligible persons for its various programs, the Corporation shall take into account the following factors:

- (a) Requirements mandated by state and federal law;
- (b) Targeted areas of special need in the state; and
- (c) The need for household size adjustments to accomplish the purposes set forth in this ~~r~~Rule ~~c~~Chapter.

~~(36)~~ “Entitlement Area” means a unit of general Local Government that has been designated by HUD to receive an allocation of HOME funds.

~~(37)(29)~~ “Executive Director” means the Executive Director of the Florida Housing Finance Corporation.

~~(38)(30)~~ “F.A.C.” means the Florida Administrative Code.

~~(39)~~ “FAW” means the Florida Administrative Weekly.

~~(40)~~ “FHA” means the Federal Housing Administration of the United States Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

~~(41)(31)~~ “F.S.” means the Florida Statutes.

~~(42)(32)~~ “FannieMae” means the Federal National Mortgage Association, a corporation organized and existing under the Federal National Mortgage Association Charter Act, 12 U.S.C. 1716 et seq.

~~(33)~~ “FHA” means the Federal Housing Administration of the United States Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

~~(43)~~ “Farmworker” means Farmworker as defined in Section 420.503, F.S.

~~(44)~~ “Farmworker Household” means a household of one or more persons wherein at least one member of the household is a Farmworker at time of initial occupancy.

~~(45)(34)~~ “Financial Institution” means a state or federal association, bank, trust company, international bank agency, representative office or international administrative office, or credit union.

~~(46)(35)~~ “First Mortgage” means the recorded mortgage which is superior to any other lien or encumbrance on the property to which the HAP or HOME Construction Loan and the HAP or HOME Permanent Loan is subordinate.

~~(47)~~ “Florida Housing” or “FHFC” or “Corporation” means the Florida Housing Finance Corporation as created by the Act.

~~(48)(36)~~ “Florida Keys Area” means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

~~(49)~~ “Funding Cycle” means the period of time commencing with the Notice of Funding Availability or Notice of Credit Availability pursuant to this rule chapter and concluding with the issuance of Allocations or loans to Applicants who applied during a given Application Period.

~~(50)~~ “General Contractor” or “Contractor” means a person or entity duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

~~(51)~~ “HAP” or “Florida Home Ownership Assistance Program” means the Florida Homeownership Assistance Program created under Section 420.5088, F.S.

~~(52)~~ “HAP Development” means any Development which receives financial assistance from the Corporation under the HAP Program.

~~(53)(38)~~ “HLP” or “Homeownership Loan Program” means the combined rRule and Application, incorporating the HAP Construction, HAP Permanent, and HOME Homeownership Loan Programs.

(54) “HOME” or “HOME Program” means the HOME Investment Partnerships Program administered by the Corporation pursuant to HUD Regulation 24 CFR § 92, which is adopted and incorporated herein by reference, and Section 420.5089, F.S.

~~(55)(37)~~ “HOME-Assisted Units” mean the specific units that are funded with HOME funds, pursuant to 24 CFR § 92.254.

(56) “HOME Development” means any Development which receives financial assistance from the Corporation under the HOME Program.

~~(57)(39)~~ “HUD” means the United States Department of Housing and Urban Development.

~~(58)(40)~~ “HUD Regulations” means the regulations of HUD in 24 CFR § 92, incorporated herein by reference, together with subsequent amendments thereto, as in effect on the date of this Rule Chapter.

~~(59)(41)~~ “LURA” or “Land Use Restriction Agreement” or means the agreement between the Corporation and the Applicant; which sets forth the Set-Aside requirements and other Development requirements, if any, under a Florida Housing the HAP or HOME Program.

(60) “Loan Closing Date” means the actual closing date of the loan for developments using HLP funding for construction or the date the firm commitment was issued for developments using funding for purchase assistance for homebuyers.

~~(61)(42)~~ “Local Government” means a unit of local general-purpose government; as defined in Section Chapter 218.31(2), F.S.

~~(62)(43)~~ “Low Income” means the Adjusted Income for persons or households that does not exceed eighty percent (80%) AMI.

~~(63)(44)~~ “Match” means non-federal contributions to a HOME Development eligible pursuant to the HUD Regulations. the contributions obtained from other than federally funded program contributions that are dedicated to a HOME Development, pursuant to CPD 97-03, incorporated herein by reference.

~~(64)(45)~~ “Maximum Purchase Price” means:

(a) With respect to the HAP Program, the maximum purchase price of a house in an area as determined by the Single Family Mortgage Revenue Bond Program (SF MRB), as in effect at the time of the beginning of the construction of the house; and

(b) With respect to the HOME Program, the maximum purchase price of a house in an area as determined by HUD, as in effect at the beginning of the construction of the house.

~~(65)(46)~~ “Moderate Income” means the Adjusted Income for persons or households that does not exceed one hundred fifty percent (150%) AMI.

(66) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(67) “Mortgage Loan” means Mortgage loan as defined in Section 420.503, F.S.

~~(68)(47)~~ “Non-Entitlement Area” means a unit of general local government that has not been designated by HUD to receive HOME assistance.

~~(69)(48)~~ “Non-Profit” means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code, and organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, to provide low-income housing and other services on a not-for-profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for housing.

~~(70)(49)~~ “Non-Profit Sponsor” means, with respect to the HAP Program, a unit of local government or public housing authority, established pursuant to Chapter 421, F.S., or a Community Based Organization, as defined in subsection subsection 67-50.005(15)(14), F.A.C., which has agreed to sponsor an Eligible Development utilizing either a Non-Profit or for-profit Developer.

~~(71)(50)~~ “Note” means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate, and is secured by a mortgage.

~~(72)(52)~~ “PLP” or “Predevelopment Loan Program” means the Corporation’s Predevelopment Loan Program, established by the Act Chapters 420.521 through 420.529, F.S., and Rule Chapter 67-38, F.A.C.

(73) “PLP Loan” means a direct loan from Predevelopment Loan Program.

~~(51)~~ “Permanent Loan” means a zero percent (0%) interest rate, non-amortizing second mortgage loan made to an Eligible Homebuyer, who has an Adjusted Income that does not exceed eighty percent (80%) AMI.

~~(74)(53)~~ “Preliminary Allocation” means a non-binding reservation of HAP or HOME funds issued to a Development prior to the credit underwriting process.

~~(75)(54)~~ “Principal” means an Applicant, any general partner of an Applicant, and any officer, or director of any Applicant or of any general partner of an Applicant.

~~(76)~~ “Project,” or “Property” means Project as defined under Section 420.507, F.S.

~~(77)(51)~~ “Purchase Assistance Loan” or “Permanent Loan” means a zero percent (0%) interest rate, non-amortizing second mortgage loan made to an Eligible Homebuyer, who has an Adjusted Income that does not exceed eighty percent (80%) AMI.

(78) “Qualified Appraiser” means an individual or firm that is qualified as an appraiser by the society of real estate appraisers or the American Institute of Real Estate Appraisers

and acceptable or approved by FHA, VA, FannieMae, Freddie Mac or any private mortgage insurance provider to provide appraisal reports.

(79)(55) “Qualified Census Tract” means any census tract that is designated by the Secretary of HUD as having either 50% or more of the households at an income that is less than sixty percent (60%) AMI or a poverty rate of at least twenty five percent (25%), in accordance with Section 42(d)(5)(C), Internal Revenue Code.

(80) “RD” or “Rural Development” means Rural Development Services (formerly the Farmer’s Home Administration) of the United States Department of Agriculture.

(81)(56) “Received” means as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, U.S. United States Postal Service or other courier service, unless otherwise indicated, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

(82)(57) “Review Committee” means a committee of Corporation staff persons appointed by the Executive Director or assignee who will make recommendations to the Board regarding Program participation.

(83)(58) “Rural Area” means an area that is eligible to receive assistance from the United States Department of Agriculture – Rural Development.

(84) “SFMRB” or “Single Family Bond Program” means the Corporation’s Single-Family Mortgage Revenue Bond Program.

(85) “SHIP” or “SHIP Program” means the State Housing Initiatives Partnership Program created pursuant to the State Housing Initiative Partnership Act, Sections 420.907-9079, F.S.

(86)(59) “Second Mortgage” means the recorded mortgage securing the HAP or HOME Construction Loan or the HAP or HOME Purchase Assistance Permanent Loan, which is subordinate only to the First Mortgage.

(87)(60) “Scattered Sites” means a Development consisting of five or more single family residential units, where no more than four single family residential units are located on any one site and any additional site or sites must not share a common boundary.

(88)(61) “Servicer” means the entity, and any subcontractors, under contract with the Corporation to provide loan servicing, including administration and compliance monitoring.

(89) “Servicing and Compliance Monitoring Fees” means fees associated with the review and processing of requests for disbursement of funds, inspections and the monitoring of Developments.

(90) “Set-Aside” means the occupancy requirements or restrictions for Developments financed by Florida Housing.

(62) “Single Family Bond Program” means the Single Family Mortgage Revenue Bond Program (SF MRB), pursuant to Rule Chapter 67-25, F.A.C.

(91)(63) “Sponsor” means Sponsor as defined in Section 420.503, F.S., with respect to the HOME Program, any individual, association, corporation, joint venture, partnership, trust, or other legal entity or combination thereof, that has been approved by the Corporation as qualified to construct a Development.

(92)(64) “State” means the State of Florida.

(93)(65) “Threshold” means the minimum criteria to be met for an Application to be considered complete, as required by this Rule Chapter and the Application Package.

(94) “Total Development Cost” means the total of all costs incurred in the construction of a Development, all of which shall be subject to the approval by the Credit Underwriter and the Corporation as reasonable and necessary.

(95)(66) “Treasury” means the United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

(96)(67) “Unit” means a residential unit used as a single family residence and the land appurtenant that is taxed as real property under state laws, not including a two, three or four household residence, unless each unit is owner-occupied.

(97)(68) “Urban In-Fill Development” means a Development (i) in a in-(a) site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, a Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG), an area designated as a HOPE VI or Front Porch Florida Community, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, as amended, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan; and (ii) in (b)-In a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

(69) “USDA RD” means the United States Department of Agriculture Rural Housing Services.

(98)(70) “Very Low-Income” means the Adjusted Income of persons or households that does not exceed fifty percent (50%) AMI.

(99) “Website” means the Florida Housing Finance Corporation website, the Universal Resource Locator (URL) of which is www.floridahousing.org.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.010 Fees.

(1) The Corporation shall collect an Application fee from all Applicants when ~~initially~~ applying for HLP funding during any Application Period either HAP or HOME funds.

(2) With respect to ~~the HAP Program~~, the Applicant is responsible for all or a portion of the following fees, which are part of the Total Development Cost and must be included in the Development Cost Pro Forma:

- (a) Credit Underwriting fee;
- (b) Loan Servicing fees; and
- (c) Construction inspection fees.

(3) With respect to ~~the HOME Program~~, the fees referenced in subsection (2) above are paid directly by the HOME Program.

(4) Penalty Fees: Applicants will be charged a penalty fee of \$100 for each extension request for the following:

- (a) Deadline to submit information to the Credit underwriter;
- (b) Loan Closing date;
- (c) Commencement of Construction;
- (d) Construction Completion; and
- (e) Commitment Expiration.

~~(5)~~(4) Failure to pay any fee shall cause the loan commitment ~~under any Program~~ to be terminated or shall constitute a default on the respective loan documents.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(19), 420.5088, 420.5089 FS. History–New 9-5-02, Amended 5-4-03, _____.

67-50.020 Notice of Funding Availability (NOFA).

The Corporation shall post the NOFA, which advises the availability of HLP funding which sets forth the availability of funding for the HAP Construction Loan, the HAP Permanent Loan and the HOME Homeownership Loan Programs, on the Corporation’s website at www.floridahousing.org and publish in the Florida Administrative Weekly (FAW).

Specific Authority 420.507(12), (23) FS. Law Implemented 420.5088, 420.5089 FS. History–New 9-5-02, Amended _____.

67-50.030 General Program Eligible Activities.

(1) Eligible Applicants are:

(a) With respect to the HAP Program, is a Non-Profit Developer, or a Non-Profit Sponsor, local government, or public housing authority proposing to build affordable homeownership housing; and

(b) With respect to the HOME Program, is a Community Housing Development Organization (CHDO), a public housing authority, a local government, a Non-Profit organization, or a private for-profit organization (including a corporation, limited partnership, limited liability company, partnership and a sole proprietorship) proposing to build affordable homeownership housing.

~~(2)~~(1) Funds may be used ~~to pay~~ for the following eligible costs:

(a) Development hard costs as they directly relate to the identified assisted units ~~for the costs necessary~~ to meet local and State building codes and the Model Energy Code.

(b) Soft costs as they relate to the identified assisted units. ~~The costs~~ must be reasonable and necessary, as determined by the Corporation and Credit Underwriter, and associated with the financing, development, or both, including and include:

- 1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;
- 2. Costs to process and close the financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;
- 3. Developer fees, including administrative overhead, are limited to sixteen percent (16%) of the Total Development Cost;
- 4. Impact fees;
- 5. Costs of Development audits required by the Corporation or compliance monitoring agent;
- 6. Affirmative marketing and fair housing costs; and
- 7. Temporary relocation costs, as required for the HOME program.

~~(3)~~(2) Funds may be used to construct one (1) speculative unit or model home for up to ten (10) units in the Development, up to two (2) speculative units or model homes for eleven (11) to twenty (20) units in the Development and a maximum of three (3) speculative units or model homes for a Development with over twenty (20) units ~~at any period of time.~~ Funds will be disbursed on a pro-rata basis with other funding sources.

~~(4)~~(3) Prepayment of the loan is permitted without penalty.

~~(5)~~(4) The Corporation shall make HLP funding HOME Permanent Loan funds available to participating lenders in the ~~Single Family Mortgage Revenue Bond (SF MRB) Program~~ for eligible homebuyers, in accordance with the SF MRB documents and ~~r~~Rule cChapter 67-25, F.A.C. If HLP funding is used in conjunction with the SF MRB Program, the homebuyer may not utilize more than one down payment assistance program sponsored by the Corporation.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.5088, 420.5089 FS. History–New 9-5-02, Amended 5-4-03, _____.

67-50.040 General Program Restrictions.

(1) Eligible Developments must:

(a) Be designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or households;

(b) Consist of at least four (4) homes;

(c) Meet the minimum set-aside requirements and sales price limits of either the HAP or HOME Program, as applicable; and

(d) Be identified by legal description or street address.

(2)(1) An Applicant may not submit an application for both HAP and HOME funding for the same Development during an Application Period under the Homeownership Loan Program.

(3)(2) Applications shall be limited to one submission per subject property, per Application Period, and funding requests shall be limited to the lesser of twenty five ~~thirty three~~ percent (25%) (~~33%~~) of the Total Development Cost or \$1,000,000 for the HAP Program or the lesser of twenty five ~~thirty three~~ percent (25%) (~~33%~~) of the Total Development Cost or \$2,000,000 for the HOME Program.

(4)(3) The HLP HAP or HOME Construction Loan or Purchase Assistance Permanent Loan must be in not lower than a second lien position and shall not share priority with any other liens unless approved by the Board.

(5)(4) The term of the HLP HAP or HOME Construction Loan shall be for a period of three (3) ~~five (5)~~ years, beginning on the Loan Closing Date.

(6)(5) The accumulation of all Development financing, including the HLP HAP or HOME Loan and all existing debt within a Development, may not exceed the Total Development Cost, as determined by the Credit Underwriter. The accumulated sales generated revenue of all single-family homes must equal the Total Development Cost as proposed by the Applicant in the Application. Any changes to the Total Development Costs during the underwriting process may result in the adjustment of home sales prices to reflect these changes.

(7)(6) The proceeds from the HLP Purchase Assistance HAP or HOME Permanent Loan made to an Eligible Homebuyer shall be used to repay the HLP HAP or HOME Construction Loan. Upon the closing of each house, the HAP or HOME Construction Loan provided for each house shall be repaid by the Applicant.

(8)(7) Applicants are responsible for:

- (a) The construction of affordable housing;
- (b) The marketing of units in the Development and providing referrals of potential Eligible Borrowers to the first mortgage lender;
- (c) Meeting the pre-sale requirements established by the first mortgage lender;
- (d) Assisting the Corporation and the Servicer with performing Draw inspections, collecting payments and defaults, foreclosure procedures and performing compliance monitoring; and
- (e) With respect to the HOME Loan, ensuring compliance with HUD requirements, pursuant to 24 CFR § 92.

(9)(8) Prior to disbursing any funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HLP HAP or HOME Program, pursuant to this Rule Chapter, Florida Statutes, and HUD Regulations, as applicable.

(10)(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender and the Corporation's Servicer, including fire, hazard and other insurance sufficient to meet mortgage standards.

(11)(10) The Corporation or its Servicer shall monitor the compliance with all terms and conditions of the HLP HAP or HOME Loan and any violation of any term or condition shall constitute a default of the Loan.

(12)(11) The construction period shall be for a period of not more than three (3) years beginning on the Loan Closing Date, unless approved by the Board for a specified period of time, closing date of the Construction Loan or the date of Florida Housing's commitment for a Development utilizing purchase assistance only. With approval by the Board, a one-year extension is permissible provided that the Applicant: Applicants applying for an extension must:

- (a) Requests the extension in writing at least sixty (60) days prior to the end of the construction period;
- (b) States a specific length of time needed to complete the Development and the reason the extension is needed;
- (c) ~~Provides the Applicant's past performance history;~~
- (c)(d) Provides a comprehensive work completion plan and construction schedule;
- (d)(e) Supply ~~Supplies~~ an alternate financing plan in the event the original financing source withdraws; ~~and~~
- (e)(f) Provides assurance that the ~~one-year~~ extension will result in the successful completion of the Development; and
- (f) Applicants will be charged a penalty fee of \$100 for each extension request.

(13)(12) The Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any construction loan superior or inferior to the HLP HAP or HOME Loan without prior approval of the Corporation's Board of Directors.

(14)(13) The unpaid principal balance of the Loan shall be due and payable upon the sale or transfer of the secured property.

(15)(14) If the Board of Directors determines that any Applicant or any Affiliate of an Applicant has:

- (a) Engaged in fraudulent actions;
- (b) Materially misrepresented information to the Corporation regarding any of its Developments; within the current Application or in any previous applications for financing or an allocation of Housing Credits administered by the Corporation;
- (c) Been convicted of fraud, theft or misappropriation of funds;
- (d) Been excluded from federal or Florida procurement programs; or

(e) Been convicted of a felony, and upon determination by the Board of Directors that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant or any Principal, or Affiliate of an Applicant or Developer and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of two (2) years, which will begin from the date the Board of Directors makes such determination. Such determination shall be made either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(16)(15) If an Applicant or any Principal, or Affiliate of an Applicant or Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, the applicable Florida Statutes and rRule cChapters, and loan documents, or any loan commitment after any applicable cure period granted for correcting such non-compliance has ended, at the time of submission of the Application or issuance of a credit underwriting report, the requested allocation will be denied, upon determination by the Board of Directors that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing. The Applicant and the Affiliates of the Applicant or Developer shall be prohibited from new participation in any of the Corporation's Programs for the subsequent cycle and continuing until such time as all of their existing Developments are in compliance.

(17) Applicants that choose to withdraw from the program after the receipt of a firm commitment and prior to developing any units shall be responsible for repayment of any expenses paid by the Corporation, including credit underwriting, environmental review, and monitoring services fees.

(18)(16) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is mandated by local, state or federal governmental authorities, or otherwise approved by the Board Corporation. Evidence of such mandate must be submitted to the Corporation upon official within thirty (30) Calendar Days of notification by the local, state or federal authorities.

(17) Permanent Loans. Prior to disbursing any funds for either the HAP or HOME Permanent Loan, the Eligible Homebuyer must execute a homebuyer agreement, ensuring compliance with the requirements of this Rule Chapter, Florida Statutes and 24 CFR § 92, when applicable.

(19)(18) The Eligible Homebuyer must maintain replacement cost hazard insurance naming the Corporation as an additional insured.

(20)(19) A mortgagee policy of title insurance in the amount of the HLP Purchase Assistance HAP or HOME Permanent Loan must be provided naming the Corporation as an additional insured.

(21)(20) Loans shall be evidenced by a properly executed note and secured by a properly executed and recorded mortgage provided by the Corporation.

(22) Failure to comply with the agreed upon income set-aside requirements as stated in the Application shall result in a retroactive interest rate adjustment from the HLP Construction Loan interest rate to the current market rate.

(23) Applicants will be required to submit progress reports, as directed by Florida Housing. Failure to provide the information and documentation requested may result in the withdrawal of any remaining funds.

(24)(21) Failure to comply with any part of this rRule cChapter without a waiver or variance being granted by the Board, pursuant to Chapter 120.542, F.S., and rRule cChapter 28-104, F.A.C., shall result in the disqualification of the Applicant and withdrawal of any the preliminary commitment for Loan funds.

(25) Scattered Sites Developments. Applicants will have 60 days in which to submit site control information to the underwriter for analysis. Failure to submit the required documentation for all sites identified in the Application will result in the underwriter adjusting the funding request proportionate to the number of units for which site control was secured. If the site control information submitted to the underwriter is less than 50% of the total units committed to in the initial Application, Florida Housing will require the Applicant to withdraw and relinquish the allocation.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.050 HAP Program Restrictions.

(1) HAP Construction Loans shall be made available for the construction of affordable housing Developments, as defined in subsection 67-50.005(29)(22), F.A.C. Funding Funds shall also be made available for land acquisition, predevelopment expenses and infrastructure; however, in no event shall the funds be used solely for these purposes.

(2) A Non-Profit organization must have control of the Development and materially participate in the development and sale of the property through the construction period.

(3) Non-Profit Sponsor Applicants must:

(a) Have been in existence for at least one (1) year prior to applying for HAP funds; and

(b) Own the property or have a valid contract for purchase of the property; and

(c) Utilize the services of either a Non-Profit or for-profit Developer who has a proven record of providing similar housing.

(4) The interest rate for a HAP Construction Loan is zero percent (0%).

(5) The Land Use Restriction Agreement (LURA) shall contain restrictive covenants to ensure that the Development maintains the minimum set-aside requirements ~~for of the HAP Program, pursuant to Chapter 420.5088, F.S.,~~ as well as the specific amenities and set-asides the Applicant committed to in the Application.

(6) HAP ~~Purchase Assistance Permanent~~ Loan. The terms of the HAP ~~Purchase Assistance Permanent~~ Loan made to an Eligible Homebuyer are as follows:

(a) A HAP ~~Purchase Assistance Permanent~~ Loan shall be made available to an Eligible Homebuyer who purchases a home built by a Developer participating in the HLP Homeownership Loan Program, under ~~the HAP Program.~~

(b) The Eligible Homebuyer must have an Adjusted Income that does not exceed eighty percent (80%) AMI at the time of the loan closing.

(c) A HAP ~~Purchase Assistance Permanent~~ Loan is limited to available in an aggregate amount not to exceed the lesser of \$30,000, twenty five percent (25%) of the purchase price of the house and may not exceed the initial amount of per home assistance as stated in the Application, or the amount necessary to meet credit underwriting criteria, based on the monthly mortgage payment (which includes the principal, interest, taxes and insurance) to income underwriting ratio.

(d) Repayment of the HAP Purchase Assistance Loan is due upon the first to occur of the maturity of the first mortgage loan or upon the sale, transfer, refinancing, or rental of the secured property.

~~(e)(d)~~ When the HAP ~~Purchase Assistance Permanent~~ Loan is used in conjunction with another Corporation subordinate mortgage program, the Eligible Homebuyer's Adjusted Income may not exceed fifty percent (50%) AMI and the aggregate amount of the Corporation's ~~l~~oans may not exceed thirty-five percent (35%).

~~(f)(e)~~ The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the appraised value of the home. In the 105% loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) year period.

~~(g)(f)~~ The HAP ~~Purchase Assistance Permanent~~ Loan shall be underwritten by the first mortgage lender and reviewed by the Corporation's designated Servicer.

~~(h)(g)~~ The purchase price of the house cannot exceed the appraised value or the maximum purchase price, as determined by the SF MRB Single Family Mortgage Revenue Bond Program, as in effect at the time of the beginning of the construction of the house.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 9-5-02, Amended 5-4-03, _____.

67-50.060 HOME ~~Program~~ Restrictions.

(1) HOME funding funds shall be made available for construction of affordable housing and homebuyer purchase assistance for Eligible Developments, pursuant to 24 CFR § 92.

(2) The maximum per-unit subsidy ~~amount~~ of HOME funding is limited to funds that the Corporation may allocate may not to exceed twenty five percent (25%) of the purchase price of the house and may not exceed the initial amount of per home assistance as stated in the Application.

(3) The annual interest rate for the construction loan will be determined as follows:

(a) All for-profit Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a three percent (3%) per annum interest rate loan.

(b) All qualified non-profit Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a zero percent (0%) interest rate loan.

(c) All Applicants consisting of a non-profit and for-profit partnership will receive a zero percent (0%) interest rate on the portion of the loan equal to the qualified non-profit's ownership interest in the Development. A three percent (3%) interest rate shall be charged on the portion of the loan equal to the for-profit's ownership interest in the Development. Should the Applicant sell, transfer, or convey any portion of the ownership in the Development, the loan interest rate ratio will be adjusted to conform with the new percentage of for-profit to non-profit ownership.

(4) The Corporation shall acquire real and personal property or any interest in the Development if that acquisition is necessary to protect any loan; sell, transfer, and convey any such property to a buyer without regard to the provisions of Chapters 253 and 270, F.S.; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Development for occupancy by eligible persons.

(5) The minimum amount of HOME funds that can be allocated on a per-unit basis for all Developments is \$2,500.

(6) All units must adhere to affordability requirements pursuant to 24 CFR § 92.254 and the recapture provisions described in 24 CFR § 92.254(5)(ii)(1).

(7) Funds shall not be used to pay for ineligible costs in accordance with 24 CFR § 92.214 (a) and the following ineligible costs:

(a) Development reserve accounts for replacement, anticipated increases in operating costs, or operating subsidies, except as described in this ~~r~~Rule ~~c~~Chapter;

(b) Administrative costs; and

(c) Developer fees on the acquisition portion of the Development cost.

(8) All contracts for the construction of a Development with 12 or more HOME-Assisted Units must contain a provision requiring that the wages paid to all laborers and mechanics employed for the construction of the Development will not be less than the wages prevailing in the locality, as predetermined by the U.S. Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), 24 CFR § 92.354, 24 CFR § 70 (volunteers) and 40 U.S.C. 276c, which are adopted and incorporated herein by reference. Such contracts shall also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327-333 (1994), and the Copeland Act (Anti-Kickback Act) 40 U.S.C. § 276c (1994) and the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), which are adopted and incorporated herein by reference.

(9) If the Development has 12 or more HOME-Assisted Units, the General Contractor and all available subcontractors shall attend a Corporation-sponsored pre-construction conference regarding federal labor standards provisions.

(10) A representative of the Applicant must attend a Corporation-sponsored training session on income certification and compliance procedures.

(11) The Corporation is required by HUD to match non-federal funds to the HOME allocation as specified in 24 CFR § 92.218.

(12) All HOME Developments must conform to the following federal requirements:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, 42 U.S.C. 2000d et seq., 42 U.S.C. 3601-3620, 42 U.S.C. 6101, and 24 CFR § 5.105(a), which are adopted and incorporated herein by reference.

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351, which is adopted and incorporated herein by reference.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR § 58 and National Environmental Policy Act of 1969, which are adopted and incorporated herein by reference.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, 42 U.S.C. 4201-4655, 49 CFR § 24, 24 CFR § 42 (Subpart B), and Chapter 104(d) "Barney Frank Amendments", which are adopted and incorporated herein by reference.

(e) Labor Standards as enumerated in 24 CFR § 92.354, 40 U.S.C. 276a-276a-5, 24 CFR § 70 (volunteers), and 40 U.S.C. 276c, which are adopted and incorporated herein by reference.

(f) Lead-based Paint as enumerated in 24 CFR § 92.355, 42 U.S.C. 4821 et seq., 24 CFR § 35 and 24 CFR § 982.401(j) (except paragraph 982.401(j)(1)(i)), which are adopted and incorporated herein by reference.

(g) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR § 85.36 and

24 CFR § 84.42, which are adopted and incorporated herein by reference.

(h) Debarment and Suspension as enumerated in 24 CFR § 5, which is adopted and incorporated herein by reference.

(i) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106), which is adopted and incorporated herein by reference.

(j) Handicapped Accessibility as enumerated in 24 CFR § 8 and 24 CFR § 100.205, which are adopted and incorporated herein by reference.

(k) Equal Opportunity Employment as enumerated in 41 CFR § 60, which is adopted and incorporated herein by reference.

(l) Economic Opportunity as enumerated in 24 CFR § 13.5, which is adopted and incorporated herein by reference.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e), which is adopted and incorporated herein by reference.

(13) Applicants and lenders are responsible for providing the Corporation or the Servicer with completed documentation of the homebuyer and homeownership requirements established by the Corporation and 24 CFR § 92.254 and the record keeping requirements described in 24 CFR § 92.508.

(14) A certification by the Corporation of the HUD Environmental Review is required, pursuant to 24 CFR 92.352.

(15) A HOME-assisted unit shall qualify as affordable housing if:

(a) The value or initial purchase price of the property after construction does not exceed 95% of the median purchase price for the area, pursuant to 24 CFR 92.254 ~~the Maximum Purchase Price;~~

(b) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the after construction or appraised value of the HOME-Assisted unit, except when HOME funds are used with the SF MRB Program, where the combined loan-to-value of all assistance cannot exceed one hundred three (103%) of the lesser of the appraised value or the purchase price or as permitted in the applicable SF MRB issue documents. In the loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) year period; and

(c) The person or household qualifies as an Eligible Homebuyer at the time of purchase and who will occupy the home acquired property as their principal residence throughout the affordability period, pursuant to 24 CFR § 92.254(4); and

(d) The purchase price of the property after construction must not exceed the appraised value of the property.

(16) All homes in the Development must be sold to persons or households that have an Adjusted Income that does not exceed eighty percent (80%) AMI.

(17) The Eligible Homebuyer shall adhere to the following terms and conditions:

(a) The HOME Purchase Assistance Second Mortgage Loan shall have a zero percent (0%) interest rate and be non-amortizing with principal deferment until maturity.

(b) Repayment of Principal on the Second Mortgage Loan shall be deferred until the homebuyer sells, transfers or disposes of the home either voluntarily or involuntarily, or ceases to occupy the home as a principal residence during the affordability period, pursuant to 24 CFR § 92.254(4).

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088 FS. History—New 9-5-02, Amended 5-4-03,_____.

67-50.070 Application and Selection Procedures.

(1) All Applicants must submit a completed HLP Application Package (HOMEOWN-0530 (Rev. 5/04)), which is adopted and incorporated herein by reference, and which can be obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 and is available on the Corporation's website at www.floridahousing.org. All Applications must:

(a) ~~Be~~ submitted complete, legible and consistent throughout;

(b) ~~must Be~~ received by the Application Deadline, as specified in the NOFA; and-

(c) Include an original Application, with an original signature on the Applicant Certification and Acknowledgement Form (Exhibit 1), and three identical copies. Lack of an Original Application shall be grounds for automatic rejection.

Corporation staff may not assist any Applicant by copying, collating or adding documents to an Application, nor shall any Applicant be permitted to use the Corporation facilities or equipment for purposes of compiling or completing an Application.

(2) Each submitted Application will be reviewed and preliminarily scored using the factors specified in the Application Package and this ~~r~~Rule ~~c~~Chapter. Preliminary scores shall be transmitted to all Applicants along with the master ~~score~~ scoring sheet and deficiency report.

(3) Failure to submit an Application completed in accordance with the Application instructions and this ~~r~~Rule ~~c~~Chapter will result in rejection of the Application or a score less than the maximum available in accordance with the instructions in the Application and this ~~r~~Rule ~~c~~Chapter.

(4) Cure Period. Within twenty (20) Calendar Days of the date of the notice set forth in subsection (2) above, each Applicant shall be allowed to submit revised pages and additional documentation, (the "revisions") as the Applicant deems appropriate to address the issues raised in the master scoring sheet and deficiency report that could result in rejection of the Application or a score less than the maximum available.

(a) Each new page must be marked "revised."

(b) Failure to mark each new page "revised" will result in the Corporation not considering the revisions to that new page.

(c) Where revisions create an inconsistency elsewhere in the Application, the Applicant is required to make such other changes to keep the Application consistent.

(d) Pages of the Application that are not revised may not be resubmitted, with the exception of documents executed by third parties, which must be submitted in their entirety.

(e) The Applicant shall submit an original and three copies of all revisions; submissions via the internet or facsimile shall not be accepted.

(f) Only revisions received by the deadline set forth herein will be considered.

(g) Any subsequent revisions submitted prior to the deadline must include a written request to withdraw any previous revision.

(5) The Corporation shall reject an Application, as detailed in the Application Package and this ~~r~~Rule ~~c~~Chapter, if:

(a) The Development is inconsistent with the purposes of the HAP or HOME Program, as applicable.

(b) The Applicant fails to achieve the threshold requirements or the minimum score required.

(c) The Applicant or any Principal or Affiliate of an Applicant or Developer is in arrears for any financial obligation to the Corporation or any agent or assignee of the Corporation. For purposes of the HOME Program, this ~~R~~rule subsection does not include permissible deferral of HOME interest.

(6) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(7) At no time during the scoring process may Applicants or their representatives contact Board members or Corporation staff, except for Corporation's legal staff, concerning their own Development or any other Applicant's Development. If an Applicant or its representative does contact a Board member or staff in violation of this section, the Board may, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(8) Following the receipt and review of the documentation described in subsection (4) above, and upon Board approval, the Corporation's ~~staff~~ shall issue a final score and ranking to each Applicant, disclosing whether or not the Applicant met the threshold and minimum score requirements. In determining such final scores and ranking, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notice described in subsection (4) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsection (4) above will be justification for rejection or reduction of points as appropriate. Notwithstanding the foregoing, any deficiencies in

the mandatory elements set forth in subsection ~~(9)~~(10) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application.

~~(9) All scores and rankings are to be approved by the Board. Those Applications which complete the threshold requirements will be presented to the Board for final approval of the preliminary allocation and the invitation to enter into credit underwriting, subject to the availability of funds.~~

~~(9)~~(10) Notwithstanding any other provisions of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

- (a) Name of Applicant;
- (b) Name of the Developer;
- (c) Funding Program applied for (HAP or HOME);
- (d) Number of units;
- (e) Site for the Development (except for scattered site developments);
- (f) Type of Development Category;
- (g) County;
- (h) Demographic or Area Commitment or target demographic area;
- (i) Total set-aside percentage of the Total Set-Aside Commitment;
- (j) Designation of Applicant; and
- (k) Funding request amount.

(10) All scores and rankings will be approved by the Board. Those Applications which complete the threshold requirements will be presented to the Board for final approval of the preliminary allocation and the invitation to enter into credit underwriting, subject to the availability of funds.

~~(11) At the time of submission of the Application, each Applicant shall disclose in writing, certifying under penalty of perjury, whether any current or recent financial business, professional, and family relationships or associations with an employee or agent of the Corporation exists or whether any current or recent financial business, professional, and family relationships or associations with a former employee or agent of the Corporation exists. In the case of a former employee or agent of the Corporation, the date of the former employee's or agent's departure from the Corporation, if the departure is less than two years from the date of the submission of the Application.~~

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.080 Credit Underwriting Procedures.

(1) Each Applicant will undergo credit underwriting to determine the financial stability, capacity and experience of the Applicant and the economic and financial feasibility of the Development. The type of review to be performed by the Credit Underwriter shall be determined as follows:

~~(a) Analytical Review. To expedite the underwriting process, the Corporation's Credit Underwriter shall perform an analytical review utilizing the lender's credit underwriting information when applicable:~~

~~1. If the first mortgage lender is not a related party, officer, or partner to the Applicant or Developer or any entity involved in the preparation of the Application or construction of the proposed Development.~~

~~2. The Corporation shall request the Applicant's authorization for the first mortgage lender to release their credit underwriting information to our Credit Underwriter.~~

~~3. Applicants requesting HAP or HOME Permanent Loan funds shall be subject to an Analytical Review.~~

~~(b) Credit Underwriting. The Applicant will be subject to a full credit underwriting as prescribed by the Corporation's Credit Underwriter if the Applicant will not give authorization, the first mortgage lender will not release the information, or the information provided is determined to be insufficient.~~

(2) Applicants utilizing HLP funding for construction will be subject to an in-depth analysis including, but not limited to items listed in the Application Instructions.

(3) Applicants utilizing HLP funding for purchase assistance will be subject to an analytical review consisting of but not limited to the components listed in the Application Instructions for purchase assistance loans.

~~(4)~~(2) The Applicant shall submit the required information to the Credit Underwriter within sixty (60) days of the date of the notification letter. If an extension is needed, a written request substantiating the need for the extension must be provided to the Corporation prior to the sixty (60) day initial deadline, subject to approval by the Credit Underwriter and the Corporation Staff. ~~However, the extension shall not exceed a period of sixty (60) days. Applicants will be charged a penalty fee of \$100 for each extension request.~~ In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.

~~(5)~~(3) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Contractor and other members of the Development team. Upon receipt, the Corporation shall provide to the Applicant the section from the written draft report which includes the supporting information and schedules. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours after receipt. After the 48-hour period, the Corporation shall provide comments on the draft report and, as applicable,

on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. The Corporation and the Credit Underwriter must receive any additional comments from the Applicant within 72 hours of receipt of the revised report. The Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

~~(6)(4)~~ The underwriters may request additional information if applicable but at a minimum the following will be required:

(a) For credit enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

(b) For Principals and guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statement compiled or reviewed in accordance with SSARS No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter and the two most recent year's tax returns.

(c) For the Applicant and general partner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that the credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

~~(7)(5)~~ The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or the market to be served by the Development or if any discrepancy or misrepresentation is found, the Application will be rejected and the Corporation shall bear the cost of the underwriting review under contract with the Credit Underwriter. However, if the HLP HAP or HOME commitment is cancelled for failure to adhere to Rule deadlines or for reasons within the Applicant's control, the

Developer will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

~~(8)(6)~~ The Credit Underwriter shall use the following procedures during the underwriting evaluation:

(a) Review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Development.

(b) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

1. Liquidity of the guarantor.
2. Developer and Contractor's history in successfully completing Developments of similar nature.
3. Problems encountered previously with Developer.
4. Problems encountered previously with Contractor.

(c) Review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

~~(9)(7)~~ A full or self-contained appraisal, as defined by the Uniform Standards of Professional Appraisal Practice, must be received on each model and typical lot being offered for sale by the Applicant and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers or first mortgagors, which meet the above requirements and are acceptable to the Credit Underwriter, may be used instead of the appraisal or market study referenced above.

(10) A market study performed by an independent third party must be received that details the immediate development area and include:

- (a) Analysis of area population;
- (b) Availability of infrastructure and Services (schools, transportation, employers, recreation, and medical facilities);
- (c) Current employment market;
- (d) Current housing sales trends; and
- (e) Community need for the proposed Development.

(11) The appraisal(s) and market study are due to the Credit Underwriter within sixty (60) days from the date of the notification letter. The costs associated with the production of these reports are the Applicant's responsibility and should be included in the total development budget.

~~(12)(8)~~ If the Credit Underwriter requires additional clarifying materials, the Credit Underwriter shall request that the Applicant provide them and specify a deadline for submission. Failure to submit the required information by the specified deadline shall result in the Application being rejected, unless a written extension of time is approved by the Board of Directors.

~~(13)(9)~~ A pre-construction analysis and review of the Development's costs shall be required prior to the closing of the HLP HAP or HOME Loan.

~~(14)(10)~~ The Applicant will bear the cost of all documentation submitted to the Credit Underwriter for review (i.e., appraisal, credit report, environmental study, etc.). The Applicant may reimburse itself for these costs with HLP funding HAP or HOME funds from the first Draw.

~~(15)(11)~~ After the approval of the Credit Underwriter's recommendation by the Board of Directors, or a committee appointed by the Board, the Corporations shall issue a HLP HAP or HOME Loan commitment.

~~(16)(12)~~ Once the Board of Directors has approved the final credit underwriting report, the Applicant will have sixty (60) ninety (90) days from the credit underwriting approval date to close the Loan. If an extension is needed, a written request substantiating the need for the extension must be provided to the Corporation prior to the sixty (60) ninety (90) day initial deadline, subject to approval by the Board Credit Underwriter and the Corporation Staff; however, the extension cannot exceed a period of sixty (60) ninety (90). Applicants will be charged a penalty fee of \$100 for each extension request. In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.

~~(17)(13)~~ The Applicant must submit a written request for any changes to the Development or its financing from the original Application. All requests must be submitted in writing to the program administrator and contain the specific reasons for requesting the change. The written request must be submitted to the Corporation's Board of Directors for consideration.

~~(18)(14)~~ At least five (5) Calendar Days prior to the Loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of the funds and Draw schedule.

(19) All other financing commitments for the Development must close within ninety (90) days of the Loan Closing Date.

~~(20)(15)~~ Upon closing of the Loan, The Applicant will be required to commence construction within ninety (90) ~~one hundred twenty (120)~~ days of the Loan Closing Date ~~closing of the Loan~~. If additional time is needed, an extension must be filed in writing prior to the ninety (90) ~~one hundred twenty (120)~~ day deadline, substantiating the need for the extension and an estimated date for commencement of construction, subject to approval by the Credit Underwriter and the Corporation Staff. Applicants will be charged a penalty fee of \$100 for each extension request.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.090 Disbursement of Funds, Draw Requests, and Loan Servicing.

(1) Disbursement of Funds. Construction Loan proceeds shall be disbursed in an amount that does not exceed the ratio of the Loan to the Total Development Cost and is pro-rata with all other construction financing, unless approved by the Corporation and the Credit Underwriter.

(2) Draw Requests. Ten (10) days prior to each Draw, the Applicant shall provide the Servicer with a signed, written Draw request, which includes the requested amount, documentation of liability and builder's risk insurance acceptable to the Corporation, and claims for labor and materials to date of the last inspection.

(3) Loan Servicing. The Servicer shall review the Draw request and provide the Corporation with approval of the request or an alternative amount.

(4) Five percent (5%) of the Loan funds will be held as retainage. Release of funds held as retainage for each house shall occur only after the Applicant provides:

(a) A satisfactory final inspection certificate or certificate of occupancy;

(b) A final, as-built survey;

(c) Evidence of liability and replacement cost hazard insurance acceptable to the Corporation; and

(d) A title insurance policy insuring the Corporation's interest and containing no exceptions that are unacceptable to the Corporation.

(5) In addition to the five percent (5%) retainage, the Corporation shall elect to withhold any Draw or portion of any Draw if:

(a) The actual budget cost or progress of construction is materially greater than that shown in the sources and uses statement;

(b) The percentage of progress of construction differs materially from that shown on the Draw Request; or

(c) The Draw Request cannot be supported by invoices for labor and materials.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(18), 420.5088, 420.5089 FS. History—New 9-5-02, Repromulgated _____.

67-50.100 Compliance and Monitoring.

~~(1) The Servicer shall inspect and monitor the Development's construction site and records, as necessary, with inspections occurring during regular business hours.~~

~~(2) The Servicer shall monitor the sale of houses and determine homebuyer eligibility at initial purchase.~~

~~(3) Failure to comply with the agreed upon set-aside requirements shall result in a retroactive interest rate adjustment from the HAP or HOME Construction Loan interest rate to the current market rate.~~

~~(4) Applicants shall be required to submit progress reports, as directed by Program Staff. Failure to provide the information and documentation requested may result in the withdrawal of any remaining funds.~~

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New 9-5-02, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget Warring, Homeownership Loan Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Development Officer, Homeownership, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2003 Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 41, October 10, 2003

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Shirley Alfson at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD)

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

RULE NO.: 68A-12.007

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to establish a permit requirement for use of dogs to take deer on private lands. The proposed rule would be implemented on a pilot basis in the Commission's Northwest Region to evaluate the effectiveness of a permit requirement for resolving conflicts arising from the trespass of deer hunting dogs onto privately owned lands.

SUMMARY: Proposed rule changes would require a permit issued by the Commission for any person using dogs to take deer on privately owned lands in the Northwest Region. The permit requirement would be implemented as a pilot project for the Northwest Region, with a review by the Commission required on or before March 30, 2007. The permit would be issued for any private property where dogs are used to take deer and would be issued to the landowner, lessee, or other person designated by the landowner. No more than one permit would be issued for each parcel of property. This permit would not be required for use of dogs on leashes for trailing wounded game.

The proposed rule would establish application requirements necessary for permit issuance and enforcement including a requirement that the landowner or an authorized agent of the landowner must sign the application. Permit provisions would be established under the proposed rule based on the need to protect wildlife, natural resources, and property owners and based on requirements of Commission rules and other applicable law. The proposed rule would require identification of any dog used for taking deer on private lands by displaying the permit number on each dog's collar or tag. The proposed rule would require individuals to be in possession of a copy of the permit while participating in the taking of deer with dogs on private lands.

The proposed rule would provide for permit revocation based on noncompliance with requirements pertaining to: failure to restrict dogs to the permitted property, or failure to identify dogs with the Commission permit number on a dog's collar or tag. A notice of noncompliance will be issued by the Commission for each separate incident. Separate incidents are defined under the proposed rule as incidents that occur on separate dates. A permit would be revoked immediately when three (3) documented incidents of noncompliance occur within 12 months or four (4) documented incidents occur within 24 months. Revocation would be pursued via administrative, non-criminal action. Permit revocation would be in effect for two (2) years from the date of revocation notice, and lands subject to the permit would not be eligible for another permit during the 2-year revocation period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$450 for administrative preparation and \$214 for legal advertising.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD DURING THE COMMISSION'S MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., July 14, 2004

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.007 Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting.

(1) through (2) No change.

(3)(a) The purpose and intent of this subsection is to implement permit requirements for use of dogs to take deer on private lands. It is the intent of the Commission to implement this subsection as a pilot project to be in effect in for the Commission's Northwest Region. The Commission shall review this subsection on or before March 30, 2007 to determine if continuation, modification or expansion is warranted.

(b) Permits –

1. It shall be unlawful for any person to use dogs to take, attempt to take, trail, pursue or molest deer on any privately owned property in the Northwest Region unless a permit has been issued by the Commission for such property to the landowner(s), lessee or other person designated by the landowner(s). No more than one permit shall be issued for each parcel of property. All activities relating to using dogs to take deer as set forth under subsection (1), and subsequent to the receipt of said permit shall be strictly in accordance with the conditions of that permit, Commission rules and state law. A permit under this subsection shall not be required for the use of dogs on leashes for trailing wounded game.

2. Applications for a permit for taking deer with dogs shall be on such form as prescribed by the Commission and shall include: a written description of the property boundaries; a map showing property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; and other information pertaining to the proposed activity necessary for permit issuance and enforcement of this rule. The application shall be signed by all persons owning any portion of the real property to be covered by the permit or authorized agents thereof.

3. Permits issued under this subsection shall contain conditions and limitations pertaining to the requirements of this section; to the protection of wildlife, natural resources, and other property owners; and other requirements of Commission rules and other applicable law.

(c) Identification requirements –

1. A permit number shall be issued by the Commission for each permit authorizing use of dogs for taking deer on private lands. In addition to requirements under subsection (1) of this section, any dog used for taking deer shall legibly display the entire permit number on the collar or tag required under subsection (1).

2. Any person participating in taking deer pursuant to a permit issued under this subsection shall be in possession of a copy of said permit.

(d)1. Revocation and denial of permits. Permits issued under this subsection shall be subject to revocation, non-renewal, or denial based upon noncompliance with the requirements of this subsection and the permit regarding: failure to restrict dogs to the permitted property, or failure to identify dogs with the Commission permit number. An incident of noncompliance for these two permit and rule requirements will be documented by the issuance of a notice of noncompliance to the person violating this subsection. Three (3) separate documented incidents of noncompliance during a twelve-month period, or four (4) separate documented incidents of noncompliance during a twenty-four-month period, shall result in revocation effective upon delivery of written notice of revocation to the permittee at the address provided in the permit application. A copy of each notice of noncompliance will be sent to the permittee and the landowner, and a copy of any notice of revocation will be sent to the landowner. For the purpose of this subsection, separate incidents of noncompliance shall be defined as incidents that occur on separate dates. Noncompliance with the requirements of this subsection and the permit regarding failure to restrict dogs to permitted properties and failure to identify dogs with the Commission permit number will not be the basis of criminal or non-criminal prosecution. A notice of noncompliance as described in this subsection will be used only in determination of revocation, as set forth above, will not be the basis for any other agency determination of the substantial interests of a party, and therefore will not constitute agency action as defined in Section 120.52(2), F.S. Revocation or denial under this subsection will not be subject to the additional requirements of Rule 68A-5.004, F.A.C.

2. Permit revocation under this subsection shall be effective for two (2) years from the date of the revocation notice. Any lands for which a permit has been revoked shall not be eligible for a permit under this subsection during the revocation period.

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

PROPOSED EFFECTIVE DATE: August 15, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 6-21-82, 7-27-83, 7-5-84, 7-1-85, Formerly 39-12.07, Amended 4-11-90, 3-1-94, 7-1-94, 9-7-97, Formerly 39-12.007, Amended 12-9-99, 8-15-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive
Director
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 2, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 26, 2003, with rule
development public meetings notice published in the May 14,
2004 issue

Enrolled Recipient; AHCA 5000-30A, October 2003,
Attachment to Cooperative Agreement for a Hospice and
Medicaid Waiver Enrolled Recipient. These forms are
available from the Medicaid fiscal agent.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Landscape Architecture

RULE NO.:	RULE TITLE:
61G10-11.0035	Exemption of Spouses of Members of Armed Forces from Licensure Provisions

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. 10, of the March 5, 2004, issue of the Florida Administrative Weekly.

These changes are being made in response to objections received from the Joint Administrative Procedures Committee. The changes are as follows:

61G10-11.0035 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces shall be exempt from all licensure renewal provisions of the Department during such absence ~~so long as the spouse in the armed forces was in good standing with the military during the absence.~~ The licensee must show proof to the department of the absence, its cause and the spouse's military status.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NOS.:	RULE TITLES:
64B-5.001	Definitions
64B-5.002	Approved Providers – Initial Provider and Course Application and Renewal, Submission of Course Information, Submission of Licensee Course Completion Data, Address

**Section III
Notices of Changes, Corrections and
Withdrawals**

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.140	Hospice Services

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. 17, April 23, 2004, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee.

(3) The following forms that are included in the Florida Medicaid Hospice Services Coverage and Limitations Handbook are incorporated by reference: AHCA 5000-20, July 1999, Florida Medicaid Hospice Care Services Referral for Medicaid Eligibility; AHCA 5000-21, July 1999, Florida Medicaid Hospice Care Services Election Statement; AHCA-5000-21S, July 1999, Servicios de Hospice Del Programa – De Medicaid en la Florida Declaracion de Eleccion; AHCA 5000-22, July 1999, Florida Medicaid Hospice Care Services Revocation or Change Statement; AHCA 5000-22S, July 1999, Servicios Hospice –Medicaid de la Florida, Revocacion o Declaracion de Cambio; AHCA 5000-23, July 1999, Notice of Change in Recipient's Hospice Status; AHCA 5000-24, July 1999, Notice of Hospice Election Nursing Facility; AHCA 5000-29, October 2003, Notice of Hospice Election Waiver; AHCA 5000-30, October 2003, Cooperative Agreement for a Hospice and Medicaid Waiver

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 29, No. 51, December 19, 2003 Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 30, No. 17, on April 23, 2004, issue of the Florida Administrative Weekly. The changes are the result of comments received and addressed during the Public Hearing on May 17, 2004.

Sub-paragraph (3)(f)3., of Rule 64F-12.012, F.A.C., shall now read as follows:

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

(3) Pedigree Papers.

(f) Returns.

3. An authorized recipient that returns a shipment to the wholesaler in accordance with subparagraphs 1 or 2 shall verify by written declaration as set forth in Section 92.525(2), F.S., a written document submitted with the returned product.

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

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

c. The written declaration shall be printed or typed at the end of or immediately below the statements in sub-subparagraphs 3.a. and 3.b. and shall state: "Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true." followed by the signature of the person making the declaration.

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.: 65A-1.702, 65A-1.712
 RULE TITLES: Special Provisions, SSI-Related Medicaid Resource Eligibility Criteria

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 30 No. 9, February 27, 2004 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 547, CORAL CASH
 RULE NO.: 53ER04-30

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 547, "CORAL CASH," 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:

53ER04-30 Instant Game Number 547, CORAL CASH.

(1) Name of Game. Instant Game Number 547, "CORAL CASH."

(2) Price. CORAL CASH lottery tickets sell for \$2.00 per ticket.

(3) CORAL CASH 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 CORAL CASH 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 CORAL CASH 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 SYMBOLS" play symbols and play symbol captions are as follows:



(5) The "WINNING SYMBOLS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$25.00
TICKET	ONE	TWO	FIVE	TEN	THY FIVE
\$50.00	\$100	\$1,000	\$10,000		
FIFTY	ONE HUN	ONE THO	TEN THO		

(7) The legends are as follows:

YOUR SYMBOLS WINNING SYMBOLS

(8) Determination of Prizewinners.

(a) A ticket having a symbol in the "YOUR SYMBOLS" play area that matches either symbol in the "WINNING SYMBOLS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket may have up to ten sets of matching symbols. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000, and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a CORAL CASH lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(b) A ticket having a "WIN \$50" symbol in the "YOUR SYMBOLS" 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 547 are as follows:

GAME PLAY TICKET	WIN \$2 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	10.00	1,008,000
\$2 x 2	\$4	37.50	268,800
\$1 + (\$2 x 2)	\$5	21.43	470,400
\$5	\$5	37.50	268,800
\$1 + (\$2 x 2) + \$5	\$10	37.50	268,800
(\$1 x 8) + \$2	\$10	75.00	134,400
\$10	\$10	75.00	134,400
\$5 x 5	\$25	150.00	67,200
(\$5 x 2) + (\$10 x 4)	\$50	150.00	67,200
\$10 x 5	\$50	1,200.00	8,400
\$50 (FISH)	\$50	1,200.00	8,400
\$10 x 10	\$100	562.50	17,920
(\$25 x 2) + \$50 (FISH)	\$100	67,200.00	150
\$100	\$100	67,200.00	150
(\$25 x 6) + \$50 (FISH)	\$200	100,800.00	100
\$100 x 10	\$1,000	403,200.00	25
\$1,000	\$1,000	403,200.00	25
\$1,000 x 10	\$10,000	1,008,000.00	10
\$10,000	\$10,000	2,016,000.00	5
		5,040,000.00	2
		5,040,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 547 are 1 in 3.70. 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 547, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a CORAL CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for CORAL CASH 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 5-28-04.

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

EFFECTIVE DATE: May 28, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 545, MYSTERY MONEY 53ER04-31

RULE NO.: 53ER04-31
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 545, "MYSTERY MONEY," 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:

53ER04-31 Instant Game Numbers 545, MYSTERY MONEY.

(1) Name of Game. Instant Game Number 545, "MYSTERY MONEY."

(2) Price. MYSTERY MONEY lottery tickets sell for \$1.00 per ticket.

(3) MYSTERY MONEY 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 MYSTERY MONEY 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 MYSTERY MONEY 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 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 THELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN					

(5) The "MYSTERY NUMBER" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 THELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN					

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	TWENTY
\$25.00	\$100	\$500	\$3,000		
THY FIV	ONE HUN	FIVE HUN	THR THO		

(7) The legends are as follows:

YOUR NUMBERS MYSTERY NUMBER

(8) Determination of Prizewinners.

A ticket having a number in the "YOUR NUMBERS" play area that matches the number in the "MYSTERY NUMBER" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, \$500, and \$3,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a \$1.00 ticket, except as follows. A person who submits by mail a MYSTERY MONEY 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.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 545 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	1 IN	1,008,000
\$1	\$1	10.00	840,000
\$1 x 2	\$2	12.00	336,000
\$1 x 5	\$5	30.00	168,000
\$2 x 5	\$10	60.00	100,800
\$5 x 3	\$15	100.00	33,600
\$25	\$25	300.00	39,200
(\$5 x 4) + \$10	\$30	257.14	5,600
\$10 x 5	\$50	1,800.00	3,360
\$20 x 5	\$100	3,000.00	400
\$100	\$100	25,200.00	100
\$100 x 5	\$500	100,800.00	10
\$500	\$500	1,008,000.00	10
\$3,000	\$3,000	1,260,000.00	8

(10) The estimated overall odds of winning some prize in Instant Game Number 545 are 1 in 3.98. 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 545, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a MYSTERY MONEY lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for MYSTERY MONEY 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 5-28-04.

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

EFFECTIVE DATE: May 28, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida State Boxing Commission

RULE TITLE: RULE NO.:

Amateur Boxing and Kickboxing 61K1ER04-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2004 Legislature passed CS for SB 538 (The Stacy Young Act), which was signed and enacted into law by the Honorable Jeb Bush on Thursday, May 20, 2004. This legislation relates to pugilistic contests and exhibitions in Florida, and provides, *inter alia*, the Florida State Boxing Commission with the authority to adopt rules relating to the approval of amateur sanctioning organizations for amateur boxing and kickboxing matches held in this state, including setting minimum safety and procedural standards for amateur sanctioning organizations holding pugilistic exhibitions in this state. As recent deaths and serious bodily injuries have occurred in Florida due to the lack of adequate safety standards and health procedures provided to the public participating in amateur pugilistic matches or exhibitions held in this state, along with the Florida State Boxing Commission’s prior limited jurisdiction over amateur pugilistic exhibitions, this emergency rule sets forth the criteria necessary to help ensure the protection and safety of the public. Furthermore, as amateur pugilistic exhibitions continue to be held in this state, emergency rulemaking is necessary in order to immediately implement the provisions of the Stacy Young Act.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Stacy Young Act has been publicly debated and openly discussed in the Florida Legislature and the media for more than five months.

SUMMARY OF THE RULE: Rule 61K1ER04-1, F.A.C., is titled “Amateur Boxing and Kickboxing.” The rule requires amateur sanctioning organizations seek approval from the Florida State Boxing Commission in order to hold amateur boxing and kickboxing matches in Florida. It further provides for the criteria necessary for the approval, disapproval, and suspension and revocation of approval of amateur sanctioning organizations by the Florida State Boxing Commission.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jason Penley, Assistant Executive Director, The Florida State Boxing Commission, 725 S. Bronough Street, Room 206, Tallahassee, Florida 32399, (850)488-8500

THE FULL TEXT OF THE EMERGENCY RULE IS:

61K1ER04-1 Approval, Disapproval, Suspension of Approval, and Revocation of Approval for Amateur Sanctioning Organizations in Boxing and Kickboxing.

(1) Criteria for Approval.

(a) An amateur sanctioning organization seeking approval from the Florida State Boxing Commission to sanction and supervise matches involving amateur boxers or kickboxers shall meet certain criteria as conditions of approval as follows:

1. For amateur boxing, a statement of agreement to adopt and enforce the health and safety standards of USA Boxing as provided in the Official USA Boxing Rulebook as of June 1, 2004.

2. For amateur kickboxing, a statement of agreement to adopt and enforce the health and safety standards of the International Sport Kickboxing Association (ISKA) as provided in the ISKA Rules as of June 1, 2004.

3. A statement of agreement to adopt and enforce a requirement to have all amateurs participating in a match sanctioned and supervised by the amateur sanctioning organization undergo a pre-match physical examination by a physician approved by the amateur sanctioning organization.

4. A statement of agreement that the organization will not hold, promote, or sponsor a match prohibited under Chapter 548, Florida Statutes, including, but not limited to, an amateur mixed martial arts match in Florida.

5. A statement of agreement to adopt and enforce a requirement to, at a minimum, notify a local ambulance service with a minimum of two qualified attendants, either paramedics or emergency medical technicians, with the date and time of the amateur event for the purpose of either requesting the ambulance service acknowledge an “on-call” status relative to the amateur event or requesting the ambulance service be assigned to the premises of the matches whereupon the following requirements shall be enforced:

a. Ambulance attendants shall be stationed at a location determined by the amateur sanctioning organization’s chief official or supervisor-in-charge at the event;

b. A portable resuscitator with all additional equipment necessary for its operation shall be in a state of readiness and located along with the ambulance attendants;

c. A clean stretcher and clean blanket shall be located along with the ambulance attendants; and

d. A portable supply of oxygen shall be located at an easily accessible location at ringside.

6. No match shall begin or continue unless the appropriate medical equipment and personnel are on the premises, in a state of readiness, and in a pre-designated and readily accessible location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning organization. Whenever an ambulance service is "on-call" as it pertains to an amateur event, an oxygen supply with its necessary equipment for proper administration shall be stationed at ringside at a location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning organization.

7. A physician approved by an amateur sanctioning organization shall be licensed to practice medicine in Florida pursuant to Chapter 458 or 459, Florida Statutes. The physician shall be capable of initiating life-saving procedures and required to demonstrate experience in sports medicine, trauma, neurology, or as a ringside physician.

8. A minimum of one physician approved by the amateur sanctioning organization shall be seated ringside whenever boxing or kickboxing activity is occurring. In situations where more than one ring is assembled and utilized simultaneously with the other, a minimum of one physician shall be seated ringside at each ring where boxing or kickboxing competitions are being held.

a. In the event of injury or illness of any person registered with the amateur sanctioning organization, a registered physician shall have complete charge of such person, shall provide medical assistance, and shall be accorded the full cooperation of all amateur sanctioning organization officials present.

b. Physicians shall not leave the premises until after the final match has been conducted, all amateurs participating have been cleared by the physician(s), and the chief official or supervisor-in-charge of the amateur sanctioning organization has cleared the physician to leave.

9. For amateur boxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by USA Boxing.

10. For amateur kickboxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by the International Sport Kickboxing Association (ISKA) or any other training and certification process for referees approved by the commission or its executive director.

(b)1. Applications for approval of an amateur sanctioning organization shall specify either boxing or kickboxing. Accordingly, any approval shall be limited to the sport for which the amateur sanctioning organization has applied to obtain approval. An organization seeking approval for both amateur boxing and kickboxing may submit a single application, however, the commission may approve or disapprove the organization either as a whole or as it pertains to a specific sport.

2. An amateur sanctioning organization shall adequately demonstrate to the satisfaction of the commission that the principals of the organization have sufficient background, training, and experience in sanctioning and supervising matches for which the organization is approved.

(2) Disapproval.

(a) An amateur sanctioning organization that does meet the criteria or requirements for approval provided above, shall be disapproved by the commission or its executive director.

1. Other criteria or requirements not listed above nor found in the current rules of USA Boxing and or the International Sport Kickboxing Association (ISKA) may be determined as necessary for approval. In such instances, any approved amateur sanctioning organization shall be notified by the executive director of the commission of the new criteria or requirements and given 30 days to implement the changes.

2. Failure to implement any new requirements as described in the preceding paragraph may be grounds for suspension or revocation of approval.

(3) Suspension of Approval.

(a) Any member of the commission or its executive director may suspend the approval of an amateur sanctioning organization for any of the reasons listed below:

1. Failure to supervise amateur matches;

2. Failure to enforce the approved health and safety standards; or

3. Any other health and safety requirement deemed necessary by the commission.

(b) A suspension of approval shall conform to the procedure for summary suspension under Section 120.60(6), Florida Statutes.

(c) In lieu of a suspension of approval of the amateur sanctioning organization, any member of the commission or a representative of the commission may immediately suspend one or more matches in an event whenever it appears that the match or matches violate the approved health and safety standards or any other health and safety requirement deemed necessary by the commission or a representative of the commission.

(4) Revocation of Approval.

(a) Any amateur sanctioning organization determined by the commission to inadequately sanction and supervise amateur matches based on the approved health and safety standards may be subject to revocation of its approval by the commission.

(b) In instances where a revocation of approval is ordered by the commission, an amateur sanctioning organization and its associated principals shall not seek new approval for a period of one year.

Specific Authority 548.003(2) FS. Law Implemented 548.003, 548.006, 548.0065, 548.008 FS., CS for SB 538. History—New 6-2-04.

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

EFFECTIVE DATE: June 2, 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."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on May 21, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Ted Gorman of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Fairfield Orlando @ Bonnet Creek, Building II (Petition VW 2004-046).

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

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

NOTICE IS HEREBY GIVEN that on May 24, 2004, Bureau of Elevator Safety received a Petition for Variance from 300.8d and 300.8g, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring a minimum of 43 inches of clear area from the top of the elevator car to the bottom of the lowest point in the hoistway overhead when the car is at its maximum upward

travel. The petition was received from Lee Rigby of Vertical assessment Associates on behalf of Indian River City United Methodist Church located at 1355 Cheney Highway, Titusville, Florida (Petition VW 2004-048).

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

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

NOTICE IS HEREBY GIVEN that on May 24, 2004, Bureau of Elevator Safety received a Petition for Variance from 102.1 and 102.2, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, prohibiting wiring and other equipment not directly related to the elevators or elevator spaces in the elevator machine room. The petition was received from Lee Rigby of Vertical Assessment Associates on behalf of Healthpark Medical Center located at 9981 S. Healthpark Drive, Ft Myers, Florida (Petition VW 2004-047).

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

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

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on March 1, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of Farmer Baker Barrios Architects for Tivoli Towers at Sandestin Resort. The petition sought a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope.

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

NOTICE IS HEREBY GIVEN that on May 27, 2004 the Division of Hotels and Restaurants received a Petition for Variance for subsection 61C-4.0161(2), Florida Administrative Code, from Franco Enterprises. They are requesting an Emergency Variance.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

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

NOTICE IS HEREBY GIVEN that on May 21, 2004, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Quizno's Classic Subs located in Jacksonville. They are requesting a variance to have a seating capacity of 32 without adding an additional bathroom facility.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

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

NOTICE IS HEREBY GIVEN that on May 20, 2004, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(1), Florida Administrative Code, from Fiascos Circus and Magic Dinner Show. They are requesting a variance to have animals present in a food service establishment (Petition VW 2004-049).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

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

NOTICE IS HEREBY GIVEN that on April 6, 2004 the Division of Hotels and Restaurants received a Petition for Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Green Turtle Tavern. They are requesting a variance to have a seating capacity of 50 without adding an additional bathroom facility (Petition VW 2004-034).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

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

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."

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that on May 25, 2004, the Florida Fish and Wildlife Conservation Commission issued an order denying a request for variance that was submitted by Ron Rawlins on April 3, 2003. The requested variance was for portions of the Volusia County manatee protection rule (Rule 68C-22.012, Florida Administrative Code). A notice of petition was published in the Florida Administrative Weekly (FAW) on April 25, 2003. The Commission received one letter commenting on the variance request. The request for a variance was denied because the Commission determined that the submitted materials failed to demonstrate that the purposes of the underlying statute, §370.12(2), F.S., would be or have been achieved by other means by the applicant. Copies of the order may be obtained by contacting the Commission's Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has received a petition from Bluewater Maritime Engineering, Inc., on behalf of Hovercraft Adventures, Inc. ("applicant") for a variance from portions of the Dade County manatee protection rule (68C-22.025, Florida Administrative Code) and a portion of the Dade County boating restricted areas (Rule 68D-24.013, FAC). The petition was received by the Commission on May 19, 2004, and seeks authorization to allow the applicant to operate a passenger hovercraft for commercial reasons at speeds greater than allowed by the rules in the Biscayne Bay area. Copies of the petition may be received from and written comments submitted to: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (DOW-BPS), 620 South Meridian Street, Tallahassee, FL 32399-1600. Comments regarding the petition will be accepted for no less than 14 days from the date of publication of this notice.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of Mission San Luis**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 21, 2004, 1:00 p.m.

PLACE: Mission San Luis, Education Building, 2020 Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include approval of FY2005 budget, discussion of fundraising and endowment activities, and other board business.

If you have questions or would like a copy of the agenda, please feel free to contact: Ms. Tabitha Joyner, (850)487-3711.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public meetings to which all persons are invited:

Session 1:

DATE AND TIME: Wednesday, July 7, 2004, 8:30 a.m. – 12:00 Noon

PLACE: Bank of America Office Park, Breakers Room, 2nd Floor, 9000 Southside Boulevard, Building 500, Jacksonville, Florida

Session 2:

DATE AND TIME: Thursday, July 8, 2004, 8:30 a.m. – 12:00 Noon

PLACE: Tampa Bay Performing Arts Center, Maestro's Restaurant at the Center, 1010 North W.C. MacInnes Place, Tampa, Florida

Session 3:

DATE AND TIME: Friday, July 8, 2004, 8:30 a.m. – 12:00 Noon

PLACE: Fairchild Tropical Botanic Garden, 10901 Old Cutler Road, Northern Trust Ballroom, Coral Gables, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Arts Council Visioning Project – In order to develop a new strategic plan to redefine the role of arts and culture in Florida, the Department is inviting discussion and comments from the state's top businesses and community organizations on how the arts and business relate to the following three areas: Economic Development, Learning & Wellness, and Design and Development.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website: www.Florida-Arts.org, or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473, e-mail: dalborn@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office two days prior to the date of the chosen session, if you need an accommodation. Accommodations can be arranged through Dana DeMartino, ADA Coordinator for the Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to discuss general issues.

DATE AND TIME: Thursday, June 17, 2004, 10:00 a.m.

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

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 EDUCATION

The public is invited to a meeting of the Florida **Board of Governors**.

DATE AND TIME: June 24, 2004, 10:00 a.m. – 12:00 noon.

PLACE: By Telephone Conference Call, 1605 Turlington Building, 325 W. Gaines Street, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of a Resolution of the Board of Governors Authorizing the Financing of the University of South Florida Research Foundation, Inc., Buildings (Interdisciplinary Research Building and the Multi-Tenant Office Building); 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 Rehabilitation Council** announces the following conference call(s):

MEETING: Florida Rehabilitation Council Outreach Committee

DATE AND TIME: June 10, 2004, 10:00 a.m. – 11:00 a.m.
Planning Committee

DATE AND TIME: June 16, 2004, 9:00 a.m. – 10:00 a.m.
Executive Committee

DATE AND TIME: June 22, 2004, 10:00 a.m. – 12:00 p.m.
PLACE: VR Headquarters, 2002 A Old St. Augustine Road,
Tallahassee, FL 32301-4862

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

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

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

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

The **Florida Rehabilitation Council** announces the following
meeting(s):

MEETING: Florida Rehabilitation Council
Outreach Committee

DATES AND TIME: June 23-24, 2004, 8:00 a.m. – 5:00 p.m.
Mental Health Taskforce

DATE AND TIME: June 25, 2004, 9:00 a.m. – 1:00 p.m.
Coordination Committee

DATE AND TIME: June 25, 2004, 2:00 p.m. – 5:00 p.m.
Public Awareness Committee

DATES AND TIME: July 1-2, 2004, 8:00 a.m. – 5:00 p.m.
PLACE: VR Headquarters, 2002 A Old St. Augustine Florida,
Tallahassee, FL 32301-4862

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

A copy of the agenda may be obtained by contacting the
Florida Rehabilitation Council at 2002 Old Saint Augustine
Road, Building A, Tallahassee, FL 32301-4862, telephone
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Notices of meetings and hearings must advise that a record is
required to appeal. Each board, commission, agency of this
state or of any political subdivision; thereof shall include in the
notice any meeting or hearing, if notice of the meeting or
hearing is required of such board, commission, or agency,
conspicuously on such notice, they advise that if a person
decides to appeal any decision made by the board, agency, or
commission with respect to any matter considered at such
meeting or hearing, he or she will need a record of the
proceedings, and that, for such purpose, he or she may need to
ensure that a verbatim record includes the testimony and
evidence upon which the appeal is to be based. (Florida
Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following
meeting(s):

MEETING: Florida Rehabilitation Council

DATES AND TIME: Quarterly Meeting, August 2-5, 2004,
8:00 a.m. – 5:00 p.m.

PLACE: Orlando, Florida (location to be announced)

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

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

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

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

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces the final meeting of the Affordable Housing Study Commission for its 2003-2004 study year, to which all interested persons are invited.

DATES AND TIMES: June 16, 2004, 1:00 p.m. – 5:00 p.m.; June 17, 2004, 8:00 a.m. – 1:00 p.m. or until all business is concluded, whichever is earlier

PLACE: The Sheraton Suites-Orlando Airport, 7550 Augusta National Drive, Orlando, Florida, The hotel's phone number (407)240-5555

At these meetings, a Public Comment period will take place on Thursday, June 17, from 8:00 a.m. – 8:30 a.m. Please contact Brenda Smith if you would like to make a presentation to the Commission. Due to time constraints, presentations before the Commission should be limited to no more than six minutes; however, printed support materials are welcome and can be distributed at the meeting.

The purpose of the meeting will be for the Commission to consider its final recommendations for the 2003-2004 study year and the topic: Housing the extremely low-income (>30% AMI) with a special emphasis on farmworker housing.

Any person requiring special accommodations due to disability or physical impairment should contact Brenda Smith, (850)922-1832, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained from: Brenda Smith, Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1832.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** announces a seventh public workshop to which all interested parties are invited:

DATE AND TIME: June 29, 2004, 9:30 a.m. – 5:00 p.m.

PLACE: PBS&J Building, 482 South Keller Road, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seventh Workshop Regarding Outdoor Advertising Signs along a stretch of Interstate 75 that runs through Marion, and

Sumter Counties. The Department of Transportation is responsible for the State of Florida's compliance with federal and state law relating to outdoor advertising signs.

The workshop will be attended by staff members of FHWA and FDOT, and representatives from affected local governments, the sign industry, and related parties (e.g., persons representing the interests of Scenic America, Garden Clubs, 1000 Friends of Florida).

This is the seventh workshop.

The objectives of the workshop are to establish:

1. A process for application for modification or relocation of a nonconforming outdoor advertising sign.
2. An expeditious process for review of the applications by local government, FDOT, and FHWA.
3. Criteria for approval of such applications acceptable to local government, FHWA and FDOT, including:
 - a. Zoning and land use
 - b. Sign spacing distance
 - c. Surrender of existing permit(s)
 - d. Required vegetation plantings
 - e. Aesthetic enhancements to sign structures
 - f. Length of the pilot project, required monitoring, and reporting

Anyone needing project or public hearing information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call, (850)414-4545.

Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the Public Hearing.

A copy of the agenda may be obtained by writing: Juanice Hagan, Florida Department of Transportation, Office of Right of Way, 605 Suwannee Street, MS#22, Tallahassee, Florida 32399-0450.

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 29, 2004, 10:00 a.m. – Conclusion

PLACE: Tallahassee City Commission Chambers, 2nd Floor, City Hall, 300 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

NOTICE OF CHANGE – The Florida Hurricane Catastrophe Fund, which is administered by the **State Board of Administration** announces that the public meeting of the State Board of Administration during which the Florida Hurricane Catastrophe Fund planned to seek permission to file Rule 19-8.028, F.A.C., along with the forms incorporated therein, which was scheduled for June 8, 2004, as published in the Florida Administrative Weekly, Vol. 30, No. 22, on May 28, 2004, has been rescheduled to be held on June 24, 2004, 9:00 a.m. (EDT), in the Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

The **State Board of Administration** of Florida announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, June 24, 2004, 9:00 a.m. until conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on June 24, 2004, will consider proposed new rules, proposed amended rules, and proposed repealed rules for the defined contribution program and will be asked for permission to file the rules for notice. Rules 19-10.001 through 19-10.003, F.A.C., are proposed for repeal. Rules 19-11.002, and 19-11.004 through 19-11.007, F.A.C., are proposed new rules. Rule 19-12.007, F.A.C., is proposed to be amended. Rules 19-13.001 through 19-13.004 and 19-14.001, F.A.C., are proposed new rules. Notices of Proposed Rule Development for all these rules were published in the Florida Administrative Weekly on May 7, 2004.

A copy of the State Board of Administration's agenda for the June 24, 2004, Cabinet meeting may be obtained by contacting Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308; (850)413-1350.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: June 29, 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 the Division of the Commission Clerk and Administrative Services at (850)413-6770 or writing to the 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 at (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, which can be reached at 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 29, 2004, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 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 the 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 at (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, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

REGIONAL PLANNING COUNCILS

The **Southwest Florida Regional Planning Council** announces that its regular meeting has been canceled:

DATE AND TIME: June 17, 2004, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917

The next regular meeting is scheduled for July 15, 2004, 9:30 a.m.

The **Southwest Florida Regional Planning Council** announces that a public hearing has been scheduled for:

DATE AND TIME: Thursday, October 21, 2004, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council Conference Room, 4980 Bayline Drive – 4th Floor, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rescheduled public hearing from April 15, 2004 to repeal the Organization Rule of the Council.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. David Y. Burr, Executive Director, Southwest Florida Regional Planning Council, 4980 Bayline Drive – 4th Floor, North Fort Myers, Florida.

LOCATION CHANGE – The **Treasure Coast Regional Planning Council** announces the following meeting of its Regional Resource Committee to which all persons are invited:

DATE AND TIME: June 18, 2004 – immediately following the regular Council meeting

PLACE: Indian River Community College, The Richardson Center, Mueller Campus, 6155 College Lane, Vero Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Regional Resource Committee will discuss the proposed Palm Beach County Biotechnology Research Park Development of Regional Impact.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick (772)221-4060, at least 48 hours before the meeting.

TIME CHANGE – The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: June 18, 2004 – 10:00 a.m.

PLACE: Indian River Community College, The Richardson Center, Mueller Campus, 6155 College Lane, Vero Beach, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

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 **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited. School board members from Palm Beach, Martin, St. Lucie, and Indian River counties may be in attendance.

DATE AND TIME: June 21, 2004, 11:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion to better coordinate land use decisions with timing, planning and construction of school facilities in the region.

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.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public workshop to which all persons are invited:

DATE AND TIME: June 22, 2004, 6:00 p.m. CDT

PLACE: Dean Bozeman Elementary/Middle School, 13410 Hwy. 77, North of Lake Merial in Panama City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Workshop to discuss Equestrian (horseback riding) Issues on the Econfina Creek Water Management Area

A copy of the agenda may be obtained by contacting Bill Cleckley, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in this meeting should contact Bill Cleckley at the District at least 72 hours in advance of this meeting to make appropriate arrangements.

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: June 24, 2004, 10:30 a.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administration, Budget and Finance Committee – budget workshop and to consider the Proposed Tentative Fiscal Year 2004-2005 Budget, millage rate and location of Public Hearings on the budget

DATE AND TIME: June 24, 2004, 11:30 a.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee – to discuss District lands issues

DATE AND TIME: June 24, 2004, 1:00 p.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business

DATE AND TIME: June 24, 2004, 1:15 p.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90.

A copy of the agendas may be obtained by contacting Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

LAKE HANCOCK LAKE LEVEL MODIFICATION PROJECT PUBLIC MEETING

DATE AND TIME: Friday, June 18, 2004, 3:00 p.m. – 7:00 p.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Provide interested parties with the latest project information and the opportunity to ask District staff questions about the project. Peace River Basin Board members may attend.

MANASOTA BASIN BOARD MEETING

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

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the Fiscal Year 2005 budget and adoption of proposed millage.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, June 29, 2004, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, June 30, 2004, 9:00 a.m.

PLACE: SWFWMD District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Conduct of meeting and public hearing.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: July 8, 2004, 8:30 a.m.

PLACE: SFWMD Headquarters, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Water Resources Advisory Commission Meeting – Regular Monthly Meeting.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/wrac/main.html>) or (2) by writing: Staff Business Operations Analyst, South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6297, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, (561)682-6447, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The **Florida Commission for the Transportation Disadvantaged** announces a Medicaid Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, June 18, 2004, 9:00 a.m. – until completion

PLACE: 2740 Centerview Drive, Suite 1A, Rhyne Building, Tallahassee, FL (850)410-5700, Conference Call (850)921-5230, SunCom 291-5230.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Medicaid non-emergency transportation issues.

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 at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson’s request.

The **Florida Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Monday, June 21, 2004, 5:30 p.m. – until completion

PLACE: 2740 Centerview Drive, Suite 1A, Rhyne Building, Tallahassee, FL (850)410-5700, Conference Call (850)921-5230, SunCom 291-5230.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

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 at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson’s request.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Public Hearing and Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, June 28, 2004, 9:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Public Hearing prior to the adoption of the Tampa Bay Water FY 2004/2005 Budget, followed immediately by the Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing: Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

DEPARTMENT OF ELDER AFFAIRS

The **West Central Florida Area Agency on Aging** announces six public hearings to be conducted in the following counties within Planning and Service Area 6: (2) Hillsborough, Polk, Manatee, Hardee and Highlands counties to which all persons are invited.

The Public Hearing schedule is listed below:

Manatee County

DATE AND TIME: Monday, June 21, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Freedom Village Retirement Center, 6501 17th Ave., West, Bradenton, FL 34209

Hardee County

DATE AND TIME: Wednesday, June 23, 2004, 1:00 p.m.–3:00 p.m.

PLACE: Catherine McDonald Senior Center, 310 North 8th Street, Wauchula, FL 33873

Polk County

DATE AND TIME: Thursday, June 24, 2004, 10:00 a.m. – 12:00 p.m.

PLACE: Stuart Community Center, 1710 South Highway 17, Bartow, FL 33830

Highlands County

DATE AND TIME: Friday, June 25, 2004, 10:00 a.m. – 12:00 p.m.

PLACE: Agri-Civic Center, 4509 West George Blvd (Hwy 27), Sebring, FL 33870

Hillsborough County

DATE AND TIME: Monday, June 28, 2004, 10:00 a.m. –12:00 p.m.

PLACE: Florida Farm Bureau Insurance, 100 S. Mulrennan Road, Valrico, FL 33594

Hillsborough County

DATE AND TIME: Wednesday, June 30, 2004, 10:00 a.m. – 12:00 p.m.

PLACE: First Baptist Church of College Hill, 3838 29th Street, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The West Central Florida Area Agency on Aging (WCFAAA) is seeking public comment on the funding allocations currently being provided to the 5 counties of Planning and Service Area 6. Additionally, WCFAAA is seeking public comment on the direct services they are currently providing through Older Americans Act Title III B (Information and Referral), Title III D (Health and Wellness) and Title III E (National Family Caregivers Support Program). Section 307(8)(A) of the Older American's Act permits the State Unit on Aging to allow Area Agencies on Aging to provide direct services under certain circumstances. The WCFAAA plans to request a waiver from the Department of Elder Affairs, the State Unit on Aging in the state of Florida, to continue to directly provide the aforementioned services. A summary of the comments received at the public hearing will accompany the waiver request to the Department of Elder Affairs and will be used in the 2005-2007 Area Plan development.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Haley Graham at (813)740-3888 ext. 234 at least 4 days in advance of the public hearing. Comments will be accepted via mail or email until July 9, 2004. Anyone wanting additional information about these public hearings may contact Haley Graham. Please send written comments to:

West Central Florida Area Agency on Aging, Inc., 5911 Breckenridge Parkway, Suite B, Tampa, FL 33610, email: grahamh@elderaffairs.org

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Organ and Tissue Donor Education Panel.

DATE AND TIME: June 29, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Hurston State Office Building, South Tower, First Floor, Conference Room "A", 400 W. Robinson St., Orlando, Florida 32801-1976

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of possible organ and tissue education initiative projects that would expand and improve organ and tissue donor education statewide.

Contact Ken Arnold, Agency for Health Administration, (850)414-0359, to obtain additional information, if required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Agency for Health Care Administration at (850)414-0359, at least five (5) calendar days prior to the meeting.

A copy of the meeting agenda may be obtained by writing: Ken Arnold, Agency for Health Care Administration, 2727 Mahan Dr., Mail Stop #32, Tallahassee, FL 32308 or arnoldk@fdhc.state.fl.us.

DEPARTMENT OF MANAGEMENT SERVICES

The State of Florida, **Department of Management Services, Division of State Purchasing** announces a public rule hearing regarding Proposed Rule 60A-1.005, F.A.C. to which all persons are invited to attend.

DATE AND TIME: Monday, June 28, 2004, 10:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee FL 32311

GENERAL SUBJECT MATTER TO BE DISCUSSED: The Division of State Purchasing wishes to receive additional comments regarding the definition of "Eligible User," including the inclusion or exclusion of private universities and colleges located within the State of Florida.

Additional information may be obtained by contacting: Richard L. Brown, Department of Management Services, (850)488-3049 or brownr2@dms.state.fl.us.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Richard L. Brown at the above email address or telephone number, at least five (5) calendar days in advance of the meeting.

NOTICE OF CANCELLATION – The **Department of Management Services, Agency for Workforce Innovation**, announces the cancellation of a public hearing which was to be held as follows:

DATE AND TIME: June 24, 2004, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

SUBJECT MATTER TO BE CONSIDERED: The Governor and Cabinet were to consider new Rule 60BB-2.0255 and amendments to Rule 60BB-2.037, Florida Administrative Code.

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: June 21-22, 2004, 8:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Rm. 182, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel, **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: June 22, 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 Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: July 8, 2004, 1:00 p.m., CDT

PURPOSE: Finance Committee Meeting and Rules Committee Meeting immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: July 9, 2004, 9:00 a.m., CDT

PURPOSE: General Board and Business meeting.

PLACE: Marriott Bay Point Resort Village, 4200 Marriott Drive, Panama City Beach, FL 32408

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 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 at (850)922-5012 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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 at Tallahassee, Florida, to which all persons are invited:

DATE AND TIME: June 24, 2004, 9:00 a.m. – 12:00 noon

Telephone Number: 1(800)416-4254 (toll-free), 922-2903 (local), 292-2903 (suncom)

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 B-04, 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 **Division of Medical Quality Assurance** Continuing Education Tracking Task Force announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 23, 2004, 2:00 p.m. through 5:00 p.m.

PLACE: 4042 Bald Cypress Way, Room 301, Capital Circle Office Complex, Tallahassee, Florida 32399

DATE AND TIME: Wednesday, June 30, 2004, 2:00 p.m. through 5:00 p.m.

PLACE: 4042 Bald Cypress Way, Room 301, Capital Circle Office Complex, Tallahassee, Florida 32399

DATE AND TIME: Wednesday, July 7, 2004, 2:00 p.m. through 5:00 p.m.

PLACE: 4042 Bald Cypress Way, Room 301, Capital Circle Office Complex, Tallahassee, Florida 32399

DATE AND TIME: Wednesday, July 14, 2004, 2:00 p.m. through 5:00 p.m.

PLACE: 4042 Bald Cypress Way, Room 301, Capital Circle Office Complex, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings are scheduled to address issues regarding electronic tracking of continuing education courses.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Faith Schneider, Florida Department of Health, General Counsel's Office at (850)245-4444 at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Schneider using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, June 18, 2004, 1:00 p.m.

PLACE: Gainesville, Florida; Please call (850)245-4131, for the Meet Me number and location

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 **Board of Optometry**, Probable Cause Panel will hold a duly noticed meeting, to which all persons are invited to attend.

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

PLACE: Gaylord Palms, 6000 West Osceola Parkway, Orlando, FL 34746, (407)586-2000

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

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

PLACE: Gaylord Palms, 6000 West Osceola Parkway, Orlando, FL 34746, (407)586-2000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/optometry/op_home.html.

The **Department of Health** announces a Midwifery Probation Committee meeting to which all interested persons are invited to attend.

DATE AND TIME: Monday, June 21, 2004 commencing at 9:00 a.m. or soon thereafter.

Meet me Number: Contact the Department of Health at (850)245-4161 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Department of Health at (850)245-4161 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Health using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing to the Department of Health, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256. Please note, that if a person decides to appeal any decision made by the Department with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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: Tuesday, June 15, 2004, 10:00 a.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 Invitation to Negotiate # 2004-01 for Great Plains Software Consulting 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.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal**, announces a public meeting to which all persons are invited.

DATE AND TIME: June 29, 2004, 10:00 a.m.

PLACE: Hurston Building, South Tower, Room D, 400 W. Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing Nancy Ray, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, or by calling her at (850)413-3622.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting should contact the person listed above no later than 48 hours prior to the meeting.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a planning/workshop meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: June 18, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: General Meeting Room, Bay Tree National Golf Links, 8207 National Drive, Melbourne, FL 32904.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning Meeting.

A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330 or dkershaw@trda.org.

CLERK OF COURT

The **Clerk of Court** Operations Conference announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 2004, 1:00 – 5:00 p.m.

PLACE: Santa Rosa Room, Marriott, Tampa Airport.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Budget Process and other issues.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC at (850)386-2223.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces an FAJUA Ad Hoc Vendor Review and Selection Committee Meeting and FAJUA Board of Governors teleconference to which all persons are invited:

Ad Hoc Vendor Review and Selection Committee Meeting

DATE AND TIME: Wednesday, June 23, 2004, 11:00 a.m.

PLACE: HCAA Board Room, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review responses received to the RFP for Audit and Professional Services for recommendation to the FAJUA Board of Governors; discuss current FAJUA Servicing Carrier Agreement; and any other matters that may come before the committee.

FAJUA Board of Governors Teleconference

DATE AND TIME: Thursday, July 1, 2004, 11:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Make final decision on responses to the RFP for Audit and Professional Services; discuss current FAJUA Servicing Carrier Agreement; any other matters that may come before the Board

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, lstoutamire@fajua.org.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces its quarterly GRANT COMMITTEE MEETING to which all persons are invited.

DATE AND TIME: Monday, June 14, 2004, 10:00 a.m. – 12:00 noon

PLACE: 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309

Please make note that if a person decides to appeal any decision made by the Committee 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.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 22, 2004, 1:30 p.m.

PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by writing to: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-COO, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Payne by June 18, 2004.

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims & Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 27, 2004, 4:00 p.m.

PLACE: Sawgrass Marriott, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing the FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308

The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 2004, 9:00 a.m.

PLACE: Sawgrass Marriott, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing the FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Thursday, June 24, 2004, 1:00 p.m.

PLACE: Department of Financial Services, 200 E. Gaines Street, Larson Building, Rm. 101B, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting

A copy of the proposed agenda may be obtained by writing to: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

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, and for such purpose, they 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.

CRIMINAL JUSTICE TRAINING COUNCIL

The Region IV, **Criminal Justice Training Council** announces a meeting to be held:

DATE AND TIME: June 21, 2004, 10:00 a.m.

PLACE: Santa Fe Community College, Institute of Public Safety, 3737 N. E. 39th Avenue, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revision of CJSTC Rules and Training Center Reports.

A copy of the agenda may be obtained by contacting: Daryl Johnston, Director, SFCC Institute of Public Safety, 3737 NE 39th Avenue, Gainesville, Florida 32609.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

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 MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has received and will consider the following Petition for Declaratory Statement filed by the City of Jacksonville on May 21, 2004.

Case No.: DS-2004-002

The City of Jacksonville seeks a declaration regarding the applicability of Sections 447.301, 447.303, 447.309, 447.501, F.S., and other applicable sections of Chapter 447, Part II, Florida Statutes to the particular circumstances set forth in this petition. Specifically, the City requests the Commission to resolve the following issue: What are the obligations under Chapter 447, Part II, Florida Statutes, of a public employer when two persons claim, without definitive documentary proof, to be the president and chief negotiator of the certified collective bargaining agent?

A copy of the petition may be obtained by writing to: Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Tallahassee, Florida 32399-0950. Any person desiring to submit a statement regarding the petition may do so by filing such statement at the above address within 20 days of the date of this publications.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, William Schnell and Louise Genovese, Unit Owners, Yardarm Condominium Association, Docket Number 2004027705.

The Petitioner request a declaratory statement as to whether an amendment to the declaration to enlarge the common element pier to build new limited common element boat slips constitutes a material alteration or modification of the appurtenances to the unit requiring approval by 100% of the unit owners and mortgagees under Section 718.110(4), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2004027705 may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

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

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida St. Petersburg announces that continuing professional services are required for the following disciplines: Architecture and Construction Management.

Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for these projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1, 2004 to June 30, 2005. Award of contract is for an initial period of one (1) year with an Owner’s option to renew for one (1) additional year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed State University System “Professional Qualifications Supplement” form. Proposals must not exceed 40 pages, including the “Professional Qualifications Supplement” and letter of interest. Construction Manager qualifications supplement proposals and letter of interest must not exceed 80 pages. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

Attach to each letter of interest:

1. The State University System “Professional Qualifications Supplement,” dated September, 1999, or the “Construction Manager Qualifications Supplement,” dated February, 1999, completed by the applicant. Applications on any other form will not be considered.

2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of

application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The State University System "Professional Qualifications Supplement," and "C.M. Q.S.," descriptive project information, and selection criteria may be obtained by contacting: Maria de Laval, Contracts Administrator, University of South Florida St. Petersburg, Facilities Planning and Construction, 140-7th Avenue So., TER 100, St. Petersburg, FL 33701, Phone (727)553-4822, or Fax (727)553-4194.

All interested firms are invited and encouraged to attend a pre-submittal meeting to be held at 2:00 PM, Eastern Standard Time, on June 14, 2004, at the University of South Florida St. Petersburg, Davis Hall 130, 140-7th Avenue, So., St. Petersburg, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the shortlisted applicants and the University of South Florida St. Petersburg. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: James A. Grant, AIA, Director, Facilities Planning & Construction, University of South Florida St. Petersburg, 140-7th Avenue So., TER 100, St. Petersburg, FL 33701. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. Submittals must be received at the above campus address by 2:00 p.m. Eastern Standard Time, on June 25, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

NOTICE TO PROFESSIONAL CONSULTANTS

FLORIDA ATLANTIC UNIVERSITY, on behalf of its Board of Trustees, announces that professional services are required in the following discipline(s):

GEOTECHNICAL ENGINEERING

Project(s): Campus Service for Minor Projects

Project(s) Location: Florida Atlantic University, All campuses.

Projects included in the scope of this agreement will be specific projects for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming year. The consultants receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm. Design ability will not be considered as a selection category.

Attach to each letter of application:

1. The most recent version of the FAU "Professional Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any 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.

Professional Qualification Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Facilities Planning Department, Florida Atlantic University, Attention to Keyla Thamsten, 777 Glades Road, Bldg. CO-69 Room 107, Boca Raton, Florida 33431 (561)297-3039. PQS forms are available on the Florida Atlantic University Division of the University Architect web pages at <http://uavp.fau.edu/fp>.

Submittals must be received in the Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. CO-69, Room 107, Boca Raton, Florida 33431, by 5:00 p.m. local time, on July 9, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 2:00 p.m. local time, on July 1, 2004 for the purpose of selecting a supplier to provide Cereal & Grain Products per the bid specifications for:

Cereal & Grain Products

Bid #04-393-697

The purpose and intent of this invitation to bid are to select suppliers to provide and deliver Cereal & Grain Products to Walter Pownall Service Center Warehouse, and to secure firm, net pricing for the contract period as specified herein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department
 Walter Pownall Service Center
 11111 So. Belcher Road
 Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY JANE GALLUCCI
 SUPERINTENDENT OF SCHOOLS CHAIRMAN
 AND EX-OFFICIO SECRETARY
 TO THE SCHOOL BOARD

MARK C. LINDEMANN
 DIRECTOR PURCHASING

TAMPA BAY REVIEW FOR PUBLICATION: June 11, 2004 & June 18, 2004

**DUVAL COUNTY
 PUBLIC SCHOOLS
 ADVERTISEMENT FOR BIDS**

Invitation To Bid (ITB)

For a

Roofing Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 513D, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE JULY 14, 2004

AND WILL BE ACCEPTED UNTIL 2:00 PM

OFFICIAL PROJECT TITLE: District wide Roof Replacement at Various Schools, Stage I DCPS PROJECT NO. M-87420

SCOPE OF WORK: Replacement of old deteriorated roofing at Atlantic Beach Elementary School No. 65, Hendricks Avenue Elementary School No. 71, Greenfield Elementary School No. 222 and Ft. Caroline Elementary School No. 235 as indicated on plans and specifications prepared by Gibraltar Design. The estimated construction cost "Budgeted Not to Exceed" \$859,890.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on July 1, 2004; 9:00 a.m., at Greenfield Elementary School No. 222, 6343 Knights Lane North, Jacksonville, Florida 32216. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 at the office of: Gibraltar Design, 475 West Town Place, Suite 100, St. Augustine, FL 32092

DCSB Point of Contact: Dale Hughes, PROJECT MANAGER, (904)858-6300

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room	Construction Bulletin
Construction Market Data, Inc.	National Association of Minority Contractors

MBE Participation Goal: 10% Overall

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL 32207; Ph. (904)390-2358 or 904-390-2922, Fax: (904)390-2265, Email: beaudoinr@educationcentral.org or faganr@educationcentral.org.

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

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."

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS

Orlando-Orange County Expressway Authority

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design for the new S.R. 414 (Maitland Boulevard Extension) limited access roadway from Hiawassee Road to U.S. 441, identified as Project No. 414-211, in Orange County, Florida. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

MAJOR TYPES OF WORK: Group 3.2, Major Highway Design; Group 3.3, Controlled Access Highway Design; Group 4.3, Complex Bridge Design.

ADDITIONAL TYPES OF WORK REQUIRED: Group 7, Traffic Operations Design; Group 8, Surveying and Mapping and Group 9, Soil Exploration, Material Testing and Foundations.

DESCRIPTION: The work to be performed under this project will include final geometric design for the new limited access roadway (S.R. 414) from east of Hiawassee Road to east of U.S. 441 and new interchange with U.S. 441. Additional elements include: surveying, right-of-way mapping, drainage evaluation and design, permitting, lighting, signalization, signing and pavement markings, maintenance of traffic, utility design and coordination, intelligent transportation systems, geotechnical analysis, scheduling and project control, progress reporting and other tasks and associated activities.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve limited access highway reconstruction, completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;

2. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway and/or bridge design projects;
3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION/NEGOTIATIONS: The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority/Women/Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements

detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

LETTER OF RESPONSE DEADLINE:

July 9, 2004, 3:00 p.m., Orlando local time

AUTHORITY CONTACT PERSON:

Mr. Joseph A. Berenis, P.E.

Deputy Executive Director

Telephone: (407)316-3800

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority

525 S. Magnolia Avenue

Orlando, FL 32801

Re: S.R. 414 – Hiwassee Road to U.S. 441

Project No. 414-211

ORLANDO-ORANGE COUNTY EXPRESSWAY
AUTHORITY

Michael Snyder, P.E.

Executive Director

REQUEST FOR QUALIFICATIONS (RFQ)

NOTICE TO DESIGN/BUILD FIRMS

OF RFQ AVAILABILITY

MDX WORK PROGRAM NO. 83614.030

The Miami-Dade Expressway Authority (MDX) announces the availability of a Request for Qualifications (RFQ) from qualified Design Build Firms with the necessary expertise to prepare final engineering design plans and construction of MDX Work Project No. 83614, widening and reconstruction of a portion of SR 836 Expressway in Miami-Dade County and construction of mainline toll plazas, as more particularly described in the RFQ (the "Project"). MDX notifies all Proposers and individuals that it requires and encourages small, minority and women-owned businesses to have full opportunity to submit a response to any solicitation document issued by MDX. MDX requires satisfaction of a 15% small business participation goal in this procurement in compliance with its Small Business Participation Policy (available on MDX's website). For copies of the RFQ with complete information on the scope of the Project as well as submittal requirements, please log into our site: www.mdx-way.com or call MDX Procurement Office at (305)637-3277. Please be aware that a Mandatory Pre-Proposal Conference for the Project will be held on June 21, 2004. Proposers that do not attend the Mandatory Pre-Proposal Conference will not be eligible to submit a Proposal in response to the RFQ. Proposals are due to MDX no later than July 12, 2004, Eastern Time.

AGENCY FOR HEALTH CARE ADMINISTRATION

**ANNOUNCEMENT OF INTENT
TO CONTRACT FOR PROFESSIONAL
PROJECT MANAGEMENT SERVICES**

for

EMERGENCY DEPARTMENT EXPANSION

for the

SARASOTA COUNTY PUBLIC HOSPITAL BOARD

SARASOTA MEMORIAL HOSPITAL

SARASOTA, FLORIDA

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Project Management Consulting Firms under the provisions of the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes. The scope of work will include coordination of design consultants and general contractor, construction administration, schedule and budget monitoring and reporting on a 45,000 square feet expansion of the hospital's Emergency Department.

Firms interested in being considered as candidates are required to submit five bound submittals of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Professional and Corporate Registration certificates.
2. Completed AIA A305 Qualification Statement.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified Small and/or Minority Business Enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
5. Examples of related projects.
6. Resumes and descriptions of personnel intended for project.
7. Client reference list and/or reference letters.
8. Any additional information to be included at the discretion of the submitting firm.

Comments:

1. The Hospital reserves the right to reject any or all submittals. No fewer than three qualified firms will be short-listed. These candidates may be asked to make final presentations to the selection committee.
2. Considerations in the selection of candidates include: the firm's recent related hospital experience, management of projects in Florida, location and ability to respond rapidly, and qualifications of personnel.
3. Questions regarding submissions shall be directed to Bill Shevlin, Construction Manager, (941)917-1899.
4. Submissions shall be titled "Project Management for E.R. Expansion" and shall be submitted no later than 1:30 p.m., June 28, 2004 at the office of:

William A. Shevlin, Manager
 Construction and Renovation Services
 Sarasota Memorial Hospital
 1700 South Tamiami Trail
 Sarasota, FL 34239

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."

NAVIGATION DISTRICTS

INVITATION TO BID

Sealed bids will be received by West Coast Inland Navigation District (WCIND) at its office, 200 East Miami Avenue, Venice, FL 34285 for opening at 3:00 p.m. on July 6, 2004 for Bid #04-001: Manatee County Dredge Projects (Crosley Estates Entrance Channel, Palma Sola Bay/San Remo Channel, and Cut-Off Channel/Snead Island) for the excavation and disposal of approximately 21,306 yards of material in four different navigational trafficsheds. Instructions, proposal forms, and specifications may be obtained for a nonrefundable payment of \$50.00, payable to WCIND, upon request by mail to P.O. Box 1845, Venice, FL 34284 or telephone to 941-485-9402.

FISH AND WILDLIFE CONSERVATION COMMISSION

AVAILABILITY OF GRANT FUNDS FOR LOCAL GOVERNMENTS

The Florida Fish and Wildlife Conservation Commission announces the availability of grants funds under the Florida Boating Improvement Program. Applications for grant funding for fiscal year 2004-2005 will be accepted beginning Friday, June 11, 2004. The deadline for receiving applications is 3:00 p.m. Friday, September 10, 2004. Applications received after the deadline will be ineligible for consideration. Projects selected for funding have approximately one year for completion. A copy of the application and procedure guide may be requested: through electronic mail to fbip@fwc.state.fl.us, by phone at (850)487-3755, or by writing Florida Boating Improvement Grant Program, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600. For more information, visit MyFWC.com/boating/grants.

PETER R. BROWN CONSTRUCTION

CALL FOR BIDS

PROJECT: New Chemical Terrorism Suite
 LOCATION: Jacksonville, FL

Peter R. Brown Construction, Inc., (CGC036285) will receive sealed bids from pre-qualified Subcontractors in accordance with the plans and specifications prepared by Junck & Walker Architects and bid packages prepared by Peter R. Brown Construction, Inc., for the following work:

Bid Package

- 6A – Cabinetry
- 8A – Hollow Metal Doors
- 9A – Painting
- 9B – Epoxy Flooring
- 9C – Drywall
- 15A – HVAC
- 16A – Electrical

PLANS & DEPOSIT: Bid documents will be available after June 2, 2004, from Peter R. Brown Construction, Inc., the Construction Manager. The bid documents may be reviewed at the office of Peter R. Brown Construction Inc., 1535 Killlearn Center Boulevard, Suite D-3, Tallahassee, Florida 32308. For information about obtaining bid documents call the Construction Manager at (850)668-4498 or fax request to (850)668-6790.

BOND REQUIREMENTS: 5% bid bond and 100% labor and material payment and performance bonds are required on certain bid packages. Refer to bid packages for requirements.

PREQUALIFICATION: Subcontractor pre-qualification is required to submit a bid. Pre-qualification forms are available by contacting the Construction Manager at (850)668-4498 or fax request to (850)668-6790.

BID OPENING: Sealed bids for Bid Packages will be received at the Peter R. Brown Construction, Inc., office located at 1535 Killlearn Center Boulevard, Suite D-3, Tallahassee, FL 32308, until 2:00 p.m., local time and read aloud publicly on June 17, 2004. The Construction Manager reserves the right to reject any and all bids and waive any irregularities in any bid.

TAYLOR COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE OF REQUEST FOR STATEMENTS OF QUALIFICATIONS

The Taylor County Board of County Commissioners is soliciting sealed statements of qualifications for REGISTERED SURVEYING AND MAPPING SERVICES. Qualified firms or individuals desiring to provide the required services must submit nine (9) packages in a sealed envelope or similar package marked "Sealed SOQ for REGISTERED SURVEYING AND MAPPING SERVICES" to the Clerk of Court, 1st Floor Courthouse, 108 North Jefferson Street, Suite

102, or P.O. Box 620, Perry, Florida 32348, to arrive no later than 4:00 P.M., local time, on Monday, June 21, 2004. All SOQs MUST have the respondent's name and mailing address clearly shown on the outside of the envelope or package when submitted. SOQs will be opened and respondents announced at 6:15 P.M. local time, or as soon thereafter as practical, on Monday, June 21, 2004, in the Taylor County Administrative Complex, Old Post Office, 201 East Green Street, Perry, Florida 32347.

SOQ information MUST be obtained from the Clerk of Court, 1st. Floor Courthouse, 108 North Jefferson Street, Suite 102, or P. O. Box 620, Perry, Florida 32348, (850)838-3506.

The County reserves the right, in its sole and absolute discretion, to reject any or all SOQs, to cancel or withdraw this bid solicitation at any time and waive any irregularities in the SOQ process. The County reserves the right to award any contract to the respondent which it deems to offer the best overall service; therefore, the County is not bound to award any contract based on the lowest quoted price. The County, in its sole and absolute discretion, also reserves the right to waive any minor defects in the process and to accept the bid deemed to be in the County's best interest. The County, in its sole and absolute discretion, also reserves the right to assign a local business preference in an amount of five (5) percent of the bid price. No faxed SOQs will be accepted.

Additional information may be obtained from:
Wayne D. "Buddy" Humphries, County Administrator
201 East Green Street
Perry, Florida 32347, (850)838-3500, ext. 6

Section XII Miscellaneous

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Melanie's, a private airport, in Walton County, at Latitude 30° 55' 08" and Longitude 086° 13' 00", to be owned and operated by Mrs. Melanie Nipper, 5138 Co. Hwy 0605, Defuniak Springs, FL 32433.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450; (850)414-4500; aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Skipper's, a private airport, in Marion County, at Latitude 28° 59' 00" and Longitude 81° 57' 00", to be owned and operated by Mr. Scott Skipper, 17025 S.E. 19th Court, Summerfield, FL 34491.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450; (850)414-4500; aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, 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

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Dade Service District: 11
 CON #: 9780 Decision Date: 5/25/2004 Decision: A
 Facility/Project: The Terrace of Daytona Beach
 Applicant: The Terrace of Daytona Beach, L.L.C
 Project Description: Transfer CON #9683
 Approved Cost: \$3,157,425

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Volusia Service District: 4
 CON #: 9780 Decision Date: 5/25/2004 Decision: A
 Facility/Project: The Terrace of Daytona Beach
 Applicant: The Terrace of Daytona Beach, L.L.C
 Project Description: Transfer CON #9683
 Approved Cost: \$3,157,425

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

NOTICE OF BATCHED APPLICATION RECEIPT AND

NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Other Beds & Services review cycle with an application due date of May 26, 2004.

County: Citrus District: 3
 CON #: 9781 Application Receipt Date: 5/26/2004
 Facility/Project: Hernando Pasco Hospice, Inc.

Applicant: Hernando Pasco Hospice, Inc.
 Project Description: Establish a hospice program

County: Duval District: 4
 CON #: 9783 Application Receipt Date: 5/26/2004
 Facility/Project: Heartland Hospice Services of Florida, Inc.

Applicant: Heartland Hospice Services of Florida, Inc.
 Project Description: Establish a hospice program

County: Duval District: 4
 CON #: 9782 Application Receipt Date: 5/26/2004
 Facility/Project: BayCare Home Care, Inc.

Applicant: BayCare Home Care, Inc.
 Project Description: Establish a hospice program

County: Duval District: 4
 CON #: 9784 Application Receipt Date: 5/26/2004
 Facility/Project: Vitas Healthcare Corporation of Florida

Applicant: Vitas Healthcare Corporation of Florida
 Project Description: Establish a hospice program

County: Duval District: 4
 CON #: 9786 Application Receipt Date: 5/26/2004
 Facility/Project: Life Care Hospice, Inc.

Applicant: Life Care Hospice, Inc.
 Project Description: Establish a hospice program

County: St. Johns District: 4
 CON #: 9785 Application Receipt Date: 5/26/2004
 Facility/Project: Hospice of the Palm Coast, Inc.

Applicant: Hospice of the Palm Coast, Inc.
 Project Description: Establish a hospice program

County: Hillsborough District: 6
 CON #: 9787 Application Receipt Date: 5/26/2004
 Facility/Project: LifePath Hospice and Palliative Care, Inc.

Applicant: LifePath Hospice and Palliative Care, Inc.
 Project Description: Establish a 24-bed inpatient hospice facility

County: Orange District: 7
 CON #: 9788 Application Receipt Date: 5/26/2004

Facility/Project: BayCare Home Care, Inc.
 Applicant: BayCare Home Care, Inc.
 Project Description: Establish a hospice program
 County: Orange District: 7
 CON #: 9790 Application Receipt Date: 5/26/2004
 Facility/Project: Hospice of Lake & Sumter, Inc.
 Applicant: Hospice of Lake & Sumter, Inc.
 Project Description: Establish a hospice program
 County: Orange District: 7
 CON #: 9789 Application Receipt Date: 5/26/2004
 Facility/Project: Heartland Hospice Services of Florida, Inc.
 Applicant: Heartland Hospice Services of Florida, Inc.
 Project Description: Establish a hospice program
 County: Orange District: 7
 CON #: 9792 Application Receipt Date: 5/26/2004
 Facility/Project: Wuesthoff Health Services, Inc.
 Applicant: Wuesthoff Health Services, Inc.
 Project Description: Establish a hospice program
 County: Orange District: 7
 CON #: 9791 Application Receipt Date: 5/26/2004
 Facility/Project: Life Care Hospice, Inc.
 Applicant: Life Care Hospice, Inc.
 Project Description: Establish a hospice program
 County: Osceola District: 7
 CON #: 9793 Application Receipt Date: 5/26/2004
 Facility/Project: Hospice of the Palm Coast, Inc.
 Applicant: Hospice of the Palm Coast, Inc.
 Project Description: Establish a hospice program
 County: Charlotte District: 8
 CON #: 9794 Application Receipt Date: 5/26/2004
 Facility/Project: HOPE of Southwest Florida, Inc.
 Applicant: HOPE of Southwest Florida, Inc.
 Project Description: Establish a hospice program
 County: Collier District: 8

CON #: 9795 Application Receipt Date: 5/26/2004
 Facility/Project: HOPE of Southwest Florida, Inc.
 Applicant: HOPE of Southwest Florida, Inc.
 Project Description: Establish a hospice program
 County: Martin District: 9
 CON #: 9796 Application Receipt Date: 5/26/2004
 Facility/Project: The Hospice of Martin & St. Lucie, Inc.
 Applicant: The Hospice of Martin & St. Lucie, Inc.
 Project Description: Convert eight residential hospice beds to inpatient beds
 County: Martin District: 9
 CON #: 9797 Application Receipt Date: 5/26/2004
 Facility/Project: The Hospice of Martin & St. Lucie, Inc.
 Applicant: The Hospice of Martin & St. Lucie, Inc.
 Project Description: Establish a 12-bed inpatient hospice facility
 County: Dade District: 11
 CON #: 9798 Application Receipt Date: 5/26/2004
 Facility/Project: Hospice of the Palm Coast, Inc.
 Applicant: Hospice of the Palm Coast, Inc.
 Project Description: Establish a hospice program
 Also, IF REQUESTED, tentative public hearings have been scheduled as follows:
 PROPOSALS: District 3
 DATE/TIME: Tuesday, July 13, 2004 @ 2:00 p.m. (until 4:00 p.m.)
 PLACE: North Central Florida Health Planning Council Conference Room
 18 N.W. 33rd Court
 Gainesville, FL 32607
 PROPOSALS: District 4
 DATE/TIME: Tuesday, July 13, 2004 @ 10:00 a.m. (until noon)

PLACE: Health Planning Council of N.E. Florida, Inc.
2nd Floor Conference Room
900 University Blvd. N.
Jacksonville, FL 32211

PROPOSALS: District 6
DATE/TIME: Thursday, July 8, 2004 @ 9:00 a.m. (until noon)

PLACE: Baker Building Conference Room
888 Executive Center Drive North
St. Petersburg, FL 33702

PROPOSALS: District 7
DATE/TIME: Wednesday, July 7, 2004 @ 9:00 a.m.
PLACE: Lakeview Office Park Conference Center
1155 South Semoran Boulevard
Winter Park, FL 32792

PROPOSALS: District 8
DATE/TIME: Thursday, July 8, 2004 @ 9:00 a.m. (until noon)
PLACE: Health Planning Council of Southwest Florida
9250 College Parkway, Suite #3
Ft. Myers, FL 33919

PROPOSALS: District 9
DATE/TIME: Friday, July 9, 2004 @ 9:30 a.m.
PLACE: Treasure Coast Health Council Inc.,
Conference Center
4152 West Blue Heron Boulevard, Suite 229
Riviera Beach, FL 33404

PROPOSALS: District 11
DATE/TIME: Tuesday, July 13, 2004 @ 9:00 a.m.
PLACE: Health Council of South Florida Board Room
8095 NW 12th Street, Suite 300
Miami, FL 33126

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, attention Karen Rivera, by 5:00 p.m., June 25, 2004. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file.

Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by June 30, 2004.

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 final rates, the methodologies underlying the establishment of such rates, and justifications for the final 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.

FINAL 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.

1. Effective July 1, 2004, the Agency will adjust a facility's operating and indirect patient care per diem costs, and a facility's direct patient care per diem costs, for the effects of inflation by multiplying these per diem costs by their respective inflation fractions: Florida Nursing Home Cost Inflation Index at midpoint of prospective rate period, divided by the Florida Nursing Home Cost Inflation Index at midpoint of provider's cost report period.

2. Based on a sample size of approximately 35% of the cost reports filed for the rate period beginning July 1, 2003 and approximately 25% of the cost reports filed for the rate period beginning January 1, 1988, the percentage weights for the cost components are estimated as:

Component	Effective July 1, 2004			Prior to July 1, 2004
	Direct Patient Care	Indirect Patient Care	Operating	All Components
Salaries and Benefits	100.0%	55.75%	55.75%	57.89%
Dietary	0.0%	6.23%	6.23%	5.18%
Others	0.0%	38.02%	38.02%	36.93%

METHODOLOGIES: The methodology underlying the establishment of the final rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate per diems in the Long-Term Care Reimbursement Plan with an update to the Florida nursing home cost inflation index.

JUSTIFICATION: The justification for the final 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 final 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.

Copies of the final 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.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals 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 inpatient hospitals, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

FINAL RATES: The final rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diem rates including the following:

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 of the Inpatient Hospital Reimbursement Plan, 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 of the Inpatient Hospital Reimbursement Plan.

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 of the Inpatient Hospital Reimbursement Plan.

METHODOLOGIES: The methodology underlying the establishment of the final rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems. The 2003-04 Special Medicaid payment methodology has been recalculated to reflect final total payments.

JUSTIFICATION: The justification for the final state plan amendment is a recalculation of 03-04 Special Medicaid payment methodology to reflect final total payments.

The Agency is proposing the above rates and changes in reimbursement, effective

May 1, 2004 and July 1, 2004. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the final reimbursement plan incorporating the above changes are available from the contact person listed above.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted a new policy for review and comment on MyFlorida.com at: http://www.djj.state.fl.us/djj/djjservices/administration/policies_procedures/policyreview.shtml (note new Website location). User Password Policy (department-wide policy type B) – establishes that personal passwords are used to authorize access to information resources and are permitted only to those who have authorized access to that resource or data. This policy establishes a standard for creation of strong passwords, the protection of those passwords and the frequency of change to passwords. This is the first of two – 20 working day review and comment periods. The closure date for submission of comments on this policy is July 9, 2004. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF HEALTH

On May 26, 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 Richard Hill, D.O., license number OS 6639. 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

Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida, 32399-0379, pursuant to provisions specified in Chapter 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., July 2, 2004:

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Citizens First Trust Company, LLC, 1060 Lake Sumter Landing, The Villages, Florida 32162

Correspondent: Ward J. Curtis, Jr., P. O. Box 16508, St. Petersburg, Florida 33733

Received: May 27, 2004

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN May 24, 2004
 and May 28, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION

Florida International University

6C8-5.006	5/28/04	6/17/04	Newspaper	
6C8-7.032	5/28/04	6/17/04	Newspaper	

University of North Florida

6C9-7.010	5/24/04	6/13/04	Newspaper	
6C9-7.014	5/28/04	6/17/04	Newspaper	
6C9-7.015	5/24/04	6/13/04	Newspaper	

Florida Gulf Coast University

6C10-4.001	5/26/04	6/15/04	Newspaper	
6C10-4.002	5/26/04	6/15/04	Newspaper	
6C10-4.003	5/26/04	6/15/04	Newspaper	
6C10-4.004	5/26/04	6/15/04	Newspaper	
6C10-4.005	5/26/04	6/15/04	Newspaper	
6C10-4.006	5/26/04	6/15/04	Newspaper	

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-70.001	5/24/04	6/13/04	29/51	30/15
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DEPARTMENT OF TRANSPORTATION

14-75.0022	5/26/04	6/15/04	30/15	
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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-1.107	5/27/04	6/16/04	30/17	
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FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Pine Island Community Development District

42OO-1.001	5/25/04	6/14/04	30/14	
42OO-1.002	5/25/04	6/14/04	30/14	
42OO-1.003	5/25/04	6/14/04	30/14	

Connerton West Community Development District

42PP-1.001	5/25/04	6/14/04	30/14	
42PP-1.002	5/25/04	6/14/04	30/14	
42PP-1.003	5/25/04	6/14/04	30/14	

Villages of Westport Community Development

42QQ-1.001	5/25/04	6/14/04	30/14	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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42QQ-1.002	5/25/04	6/14/04	30/14	
42QQ-1.003	5/25/04	6/14/04	30/14	

Arborwood Community Development District

42RR-1.001	5/25/04	6/14/04	30/14	
42RR-1.002	5/25/04	6/14/04	30/14	
42RR-1.003	5/25/04	6/14/04	30/14	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

61G15-20.007	5/27/04	6/16/04	30/16	
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Board of Professional Surveyors and Mappers

61G17-1.020	5/28/04	6/17/04	30/16	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

62B-33.002	5/24/04	6/13/04	30/13	
62B-33.005	5/24/04	6/13/04	30/13	
62B-33.0051	5/24/04	6/13/04	30/13	
62B-33.007	5/24/04	6/13/04	30/13	
62B-33.008	5/24/04	6/13/04	30/13	
62B-33.0081	5/24/04	6/13/04	30/13	
62B-33.0085	5/24/04	6/13/04	30/13	
62B-33.013	5/24/04	6/13/04	30/13	
62B-33.0155	5/24/04	6/13/04	30/13	
62B-33.024	5/24/04	6/13/04	30/13	

DEPARTMENT OF HEALTH

Board of Optometry

64B13-15.009	5/24/04	6/13/04	30/12	
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Division of Family Health Services

64F-12.012	5/26/04	6/15/04	30/17	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.701	5/24/04	6/13/04	30/9	
65A-1.703	5/24/04	6/13/04	30/9	
65A-1.710	5/24/04	6/13/04	30/9	
65A-1.713	5/24/04	6/13/04	30/9	

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-6.019	5/28/04	6/17/04	30/17	
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