

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICEES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Seed 5E-4

RULE TITLES: RULE NOS.:
 Noxious Weed Seed 5E-4.003

Disposition of Seed Contaminated
 with Noxious Weed Seed 5E-4.0041

PURPOSE AND EFFECT: The purpose of the proposed actions is to amend Rule 5E-4.003, F.A.C., and to add Rule 5E-4.0041, F.A.C. The effect is to prohibit the sale and distribution of agricultural, vegetable, flower, and forest tree seed lots contaminated with seed of Tropical Soda Apple (*Solanum viarum*) and Benghal dayflower (*Commelina benghalensis*); and to address disposition of seed deemed worthless due to contamination with more noxious weed seed than shown in Rule 5E-4.003, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rule 5E-4.003, F.A.C., will be updated to include Tropical Soda Apple (*Solanum viarum*) and Benghal dayflower (*Commelina benghalensis*) as prohibited noxious weed seeds under the Florida Seed Law. Rule 5E-4.0041, F.A.C., will be added to provide specific guidance regarding reprocessing or disposal of noxious seed.

SPECIFIC AUTHORITY: 578.11(2) FS.

LAW IMPLEMENTED: 578.11(2) FS.

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

TIME AND DATE: 9:00 a.m., August 9, 2004

PLACE: AES Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, FDACS, L-29, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- | | |
|---------------------------------|-----------------------|
| 5E-4.003 Noxious Weed Seed. | |
| (1)(a) through (c) No change. | |
| <u>(d) Tropical soda apple</u> | |
| <u>(Solanum viarum)</u> | <u>None per pound</u> |
| <u>(e) Benghal dayflower</u> | |
| <u>(Commelina benghalensis)</u> | <u>None per pound</u> |

(2) through (3) No change.

Specific Authority 570.07(23), 578.11(2) FS. Law Implemented 578.11(2) FS. History—Amended 5-30-63, 8-22-68, 9-29-83, Formerly 5E-4.03, Amended 8-6-89,_____.

5E-4.0041 Disposition of Seed Contaminated with Noxious Weed Seed.

(1) Seed lots containing one or more of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., and found by the department to be in violation of Section 578.13, Florida Statutes, and which have been placed under stop-sale, stop-use, removal, or hold order, shall not be further subdivided or renumbered such that the integrity of the lot for identification and further inspection and testing is maintained. Within 30 days of receipt of the stop-sale, stop-use, removal, or hold order issued by the department, the owner of the seed lot shall arrange for the reprocessing, destruction through incineration, disposal in an approved solid waste landfill, or burial of the seed to a depth of at least 3 feet for a period of at least one year in accordance with state and federal disposal regulations.

(2) Seed lots which have been reprocessed shall be re-inspected and re-tested by the department to determine if the violation of Section 578.13, Florida Statutes, has been corrected. If the violation of Section 578.13, Florida Statutes, has not been corrected after two consecutive attempts to reprocess the seed lot, and the seed lot continues to contain one or more of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., the seed lot under stop-sale, stop-use, removal, or hold order shall be disposed of in an approved solid waste landfill, incinerated, or buried to a depth of at least three feet for a period of at least 1 year in accordance with state and federal disposal regulations. If none of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., are detected during subsequent inspection and testing, the department shall issue a release for the lot under stop-sale, stop-use, removal, or hold order and the seed lot may be sold and distributed. Upon release of the stop-sale, stop-use, removal, or hold order, the seed lot may be further subdivided or assigned one or more new lot numbers.

Specific Authority 578.11(2) FS. Law Implemented 578.11(2) FS. History—New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:
 Intrastate Travel 33-302.106

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

SUBJECT AREA TO BE ADDRESSED: Intrastate travel by supervised offenders.

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:

33-302.106 Intrastate Travel and Transfer of Supervision.

(1) ~~No offender shall~~ Officers are required to instruct each offender under the officer's supervision not to change his or her residence, or leave the county of residence, without first procuring the consent of the officer. In order for an offender's request for to obtain permission to travel to be considered by the officer, the following conditions must exist:

(a) through (c) No change.

(d) The offender has provided the officer with reasonable advance notice of his or her request to travel to allow ~~and has provided~~ the officer ample time to verify the travel plan and review any documentation prior to travel authorization.

(e) through (g) No change.

(2) An officer shall discuss the offender's routine travel needs during the initial interview to determine whether the offender must travel daily, weekly, or monthly between counties due to the location of her or his residence and her or his employment site, school, medical needs, program, or other approved need. If the offender must travel across county lines to get to her or his employment site, school, program, doctor, or routine shopping, the officer will document this specific information ~~in the electronic case notes~~ and give the offender a blanket approval for this travel, provided the travel is verified and is not prohibited by the supervision orders. If the offender's residence or purpose of travel out of county changes, the blanket approval will be suspended until the offender's travel needs are revisited, reviewed, and approved. Any other travel out of county must be approved in advance.

(3) ~~Non-emergency travel requests submitted for travel across county lines that do not involve an overnight stay require two business days notice from the offender to allow the officer sufficient time to verify the travel plans. If the visit to the other county will exceed two days, the officer shall instruct~~

~~the offender to go to the other county's local law enforcement for the purpose of criminal registration within 48 hours of entering the other county, as provided in Section 775.13, F.S. This instruction shall be documented on Form DC3-220, Travel Permit and in the electronic case notes. Form DC3-220 is incorporated by reference in subsection (4) of this rule.~~

(4) ~~Inter-county travel in Florida approved for a visit of thirty days or less does not require a "Travel Permit," DC3-220, unless the offender is a sex offender or requires specific or additional instructions that must be written on a travel permit. Sex offenders require a travel permit for all out of county travel. If the offender is granted permission to travel and visit another county and subsequently requests an extension of the visit out of county, which will exceed thirty days, the officer will transfer the offender's supervision to the other county, unless exceptional circumstances exist that are approved by a supervisor which would allow the offender to remain out of the county on an extended travel permit without transferring the offender. The officer will complete Form DC3-237, Intrastate Transfer Request, for this purpose. Form DC3-220, Travel Permit, and Form DC3-237 are hereby incorporated by reference. Copies of these forms 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 Form DC3-220 is 10-2-01. The effective date of Form DC3-237 is 4-15-03.~~

(3)(5) An offender approved for ~~Once a travel~~ shall be responsible for permit is issued to an offender, the officer shall instruct the offender regarding travel issues, including the following:

(a) through (c) No change.

(4) The following conditions apply to offenders when travel is authorized:

~~(a)(d) That any~~ D ~~deviations to the approved travel are shall not be authorized;~~

~~(b)(e) That T~~ travel is ~~shall be authorized only as indicated on the travel permit; and~~

~~(c)(f) That F~~ ailure to comply with instructions shall be a violation of supervision.

(6) ~~An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida for more than thirty consecutive days unless exceptional circumstances exist that are approved by a supervisor which would allow an offender to remain out of county on an extended travel permit without transferring the offender.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended 10-2-01, 4-15-03,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Special Review
 RULE NO.: 33-601.211
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for designation of special review status for inmates who pose a potentially serious threat to other inmates or staff or who pose a risk to the security and order of an institution.
 SUBJECT AREA TO BE ADDRESSED: Special review status.
 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:

33-601.211 Special Review.

- (1) Special review is the classification status assigned to inmates who pose a potentially serious threat to other inmates or staff or who pose a risk to the security and order of an institution.
- (2) The purpose of the special review designation is to ensure that the inmates are tracked and housed to minimize potential conflict.
- (3) Special review status shall be assigned only in cases in which the circumstances are serious and expected to be long-term in nature.
- (4) The Bureau of Classification and Central Records is responsible for verifying, documenting, approving and assigning special review status.
- (5) The facility housing the special review inmate shall ensure that documentation related to the inmate is processed and maintained as current. If inmates at other facilities are involved in a special review, the facility housing the special review inmate shall forward copies of all special review documentation pertinent to the other facility's inmate for inclusion in that inmate's file.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

DEPARTMENT OF CORRECTIONS

RULE TITLE: Designation of Institutions for Youthful Offenders
 RULE NO.: 33-601.223

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate unnecessary language and to revise the list of institutions designated to house youthful offenders.

SUBJECT AREA TO BE ADDRESSED: Youthful Offenders.
 SPECIFIC AUTHORITY: 944.09, 944.1905, 958.11 FS.
 LAW IMPLEMENTED: 944.09, 944.1905, 958.11 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.223 Designation of Institutions for Youthful Offenders.

- (1) Upon completion of the reception process, each youthful offender shall be transferred to an institution designated for his or her age and custody in accordance with Section 958.11, F.S.
- ~~(2) Youthful offenders who are 14-18 years of age at the time of reception shall be assigned to separate institutions than those 19-24 years of age, except when the facilities for 14-18 year olds exceeds 100 percent of maximum capacity, then 18 year olds may be assigned to facilities for 19-24 year old youthful offenders.~~
- ~~(3) Youthful offenders initially assigned to facilities designated for 14 year olds to 18 year olds who turn 19 years old or above may remain with the younger age group if it is in the best interest of the inmate and the department.~~
- ~~(4) Youthful offenders 19 years old and above will be housed with the younger age group based upon mental or physical vulnerability when necessary to protect the safety of the youthful offender or the institution.~~

~~(2)(5)~~ The following institutions are designated as youthful offender institutions:

- (a) Indian River Correctional Institution;
- ~~(b) Hillsborough Correctional Institution;~~
- ~~(b)(e)~~ Lancaster Correctional Institution and Lancaster Work Camp;
- ~~(c)(d)~~ Brevard Correctional Institution and Brevard Work Camp;
- ~~(d)(e)~~ Sumter Correctional Institution – male Basic Training Program;
- ~~(e)(f)~~ Lowell Correctional Institution – Women's Unit – Basic Training Program.
- ~~(f)(g)~~ Lake City Correctional Institution.

- ~~(h) Hendry Correctional Institution.~~
- ~~(g)(i) Hernando Correctional Institution.~~
- ~~(h) Taylor Correctional Institution Annex.~~
- ~~(i) Marion Correctional Institution (G Dormitory)~~

Specific Authority 944.09, 944.1905, 958.11 FS. Law Implemented 944.09, 944.1905, 958.11 FS. History—New 10-11-95, Amended 9-11-97, 4-14-98, Formerly 33-33.009, Amended 3-13-01, Formerly 33-506.103, Amended

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Basic Training Program – Definitions	33-601.233
Basic Training Program Selection Process	33-601.234
Basic Training Program Operation	33-601.236
Basic Training Program – Inmate Privileges and Restrictions	33-601.237
Basic Training Program – Discipline	33-601.241
Removal From Basic Training Program	33-601.242

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary and obsolete language, correct staff and office titles, and clarify responsibilities and inmate privileges.

SUBJECT AREA TO BE ADDRESSED: Basic training program for youthful offenders.

SPECIFIC AUTHORITY: 20.315, 944.09, 958.04, 958.045, 958.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 946.40, 958.04, 958.045, 958.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.233 Basic Training Program – Definitions.

(1) No change.

(2) Basic Training Program – refers to a program designed to provide an alternative to long periods of incarceration for inmates who have been sentenced by the court or who have been classified as youthful offenders by the department and who meet specific criteria set forth in Rule 33-601.234, F.A.C. The program is a regimented schedule of structured discipline, counseling, general education development and adult basic education, work assignments, physical training and other rehabilitation programs.

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

~~(6) Human Services Counselor – a staff member assigned to the basic training program to provide group and individual counseling and instruction in social adjustment skills to the inmates in the basic training program.~~

(7) through (10) No change.

(11) Reception and Youthful Offender Section – refers to the Bureau of Classification and Central Records section in central office, responsible for administering reception and youthful offender activities.

~~(12)(14) Review Team – refers to a team composed of a sergeant or above, and drill instructor, and human services counselor.~~ The purpose of the review team is to review inmate misconduct that may result in sanctions above the level of alternative training.

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

(15)(14) Youthful Offender – refers to any person sentenced by the court or classified by the department in accordance with Section 958.04 or 958.11, F.S.

Specific Authority 958.04, 958.045, 958.11 FS. Law Implemented 958.04, 958.045, 958.11 FS. History—New 2-26-89, Amended 1-25-96, 10-23-97, Formerly 33-27.003, Amended 3-13-01, Formerly 33-506.203, Amended 1-17-02, _____.

33-601.234 Basic Training Program Selection Process.

(1) No change.

(2) The classification officer will screen the youthful offender during the reception process to determine if he or she meets the program eligibility criteria. If the inmate meets the criteria, the classification officer will notify the inmate and explain the requirements and benefits of successful participation and completion of the program. If the inmate does not meet the criteria, the inmate will be notified and the results will be recorded on the admission summary. The Reception and Youthful Offender Section in the Bureau of Classification and Central Records will be notified by the classification officer of any inmate who meets the criteria and is amenable to the program. Such staff shall either approve or deny the inmate’s participation in the program. The sentencing court shall be notified in writing by the Bureau of Classification and Central Records requesting approval for the inmate to participate in the program. If the inmate is classified by the department as a youthful offender, the prosecuting state attorney shall, at the same time, be notified that the inmate is being considered for placement in the basic training program. If the sentencing court disapproves the department’s recommendation for the offender’s placement in the basic training program, the offender shall be so notified and shall complete incarceration pursuant to the terms of the commitment order. If the sentencing court approves the department’s recommendation for the offender’s placement in the basic training program, the offender shall be notified of assignment to the basic training program. When the response is received from the sentencing court, the Reception and Youthful

Offender Services Section in the Bureau of Classification and Central Records shall either schedule the inmate for transfer to the basic training program if the sentencing court has approved the placement, or note on the record that the sentencing court has denied the placement of the offender and notify the institutional classification team of the sentencing court's decision. If the sentencing court disapproves the recommendation, the classification officer shall notify the inmate of the sentencing court's decision and the inmate shall complete incarceration pursuant to the terms of the commitment order. If the sentencing court approves the recommendation, the classification officer will notify the inmate of assignment to the basic training program. The department shall contact the sentencing court within 21 days after receipt of the department's request to determine the status of the request for approval to participate in the basic training program. The inmate will be placed in the program after the sentencing court approves his or her placement for participation.

(3) No change.

Specific Authority 958.04, 958.045 FS. Law Implemented 946.40, 958.04, 958.045 FS. History—New 2-26-89, Amended 11-2-90, 1-25-96, 10-23-97, Formerly 33-27.004, Amended 3-13-01, Formerly 33-506.204, Amended 1-17-02, 1-9-03, _____.

33-601.236 Basic Training Program Operation.

(1) The basic training program will be inclusive of the phases listed below:

(a) No change.

(b) Phase II – will consist of educational programming and personal development training provided within a quasi-military environment for a period not to exceed the length of sentence imposed by the sentencing court. Inmates will be required to participate successfully in Phase II of the Basic Training Program for a minimum of 60 days. The length of time that an inmate may participate in Phases I and II combined shall be no less than 120 days. Each inmate will be required to participate in a satisfactory manner for a minimum of 120 days in order to successfully complete the basic training program.

(c) through (4) No change.

(5) Request for Sentence Modification.

(a) Inmates who have satisfactorily completed the basic training program will be recommended for sentence modification. A male inmate who has successfully completed the basic training program and is awaiting release by the sentencing court or other releasing authority shall remain at Sumter Correctional Institution Basic Training Unit or at a youthful offender facility designated by the Reception and Youthful Offender Services Section pending release. If eligible, the inmate may be placed on community work release. A female inmate who has successfully completed the basic training program and is awaiting release by the sentencing court or other releasing authority shall remain at the basic training program at Lowell Correctional Institution or at a

youthful offender facility designated by the Reception and Youthful Offender Services Section pending release. If eligible, the inmate may be placed on community work release.

(b) The inmate management plan team shall notify the Reception and Youthful Offender Services Section in the Bureau of Classification and Central Records when the inmate has successfully completed the basic training program. The inmate management plan team will recommend a modification of sentence to the court that will include release to community supervision or placement in a community residential facility as a condition of community supervision within 3 working days after the inmate's completion of the basic training program.

(c) The inmate management plan team shall determine which inmates are suitable for community release based upon the inmate's employment, residence, family circumstances, and probation or post-release supervision obligations while under community supervision, and submit the packet to the Bureau of Classification and Central Records, Reception and Youthful Offender Services. The inmate management plan team shall document the inmate transition plan on the database.

(d) The Bureau of Classification and Central Records Reception and Youthful Offender Services Office shall either approve the inmate management plan team's recommendation, disapprove the recommendation, or refer the matter back to the inmate management plan team for additional information.

(e) If approved by the Bureau of Classification and Central Records, the sentence modification package will be sent to the community corrections intake office within the circuit of the sentencing court within 3 working days from the receipt of an e-mail or telephone call from the inmate management plan team that the inmate has successfully completed the basic training program ~~sentencing authority for approval or disapproval.~~

(f) The sentence modification packet shall include the following:

1. A cover letter indicating that the inmate has completed the basic training program;

2. A completed Order Modifying Sentence and Placing Defendant on Probation, Form DC3-234, hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

3. A completed Defendant's Waiver of Rights in Modification of Sentence and Placement on Probation, Form DC3-235, incorporated by reference in Rule 33-601.226, F.A.C.;

4. A report describing the inmate's performance, and

5. A recommendation for probation or community residential placement.

(g) The community corrections intake office shall submit the sentence modification packet to the court for approval or disapproval within 5 working days from receipt of the packet.

(h) The community corrections intake office shall ensure that Form DC3-234, Order Modifying Sentence and Placing Defendant on Probation, is received from the sentencing court and shall route the form to the Bureau of Sentence Structure and Transportation.

(i) The Bureau of Sentence Structure and Transportation shall notify the Release Services Unit and the Reception and Youthful Offender Services Section of the receipt of Form DC3-234, Order Modifying Sentencing and Placing Defendant on Probation.

(j) Upon receipt of the court's written action, The Bureau of Classification and Central Records shall review the sentence modification order and clear the inmate for release to community supervision.

(k) If Form DC3-234, Order Modifying Sentence and Placing Defendant on Probation, is denied by the sentencing court, the institutional classification team at the institution housing the inmate shall initiate a transfer recommendation to the state classification office for transfer of the inmate to a youthful offender institution or community release facility if eligible. The institutional classification team shall notify the inmate of the court's denial.

(l) If the sentence modification order for release of the inmate is not received within 21 days after the inmate completes the basic training program, the Reception and Youthful Offender Services Section shall notify by telephone the community corrections intake office which submitted the sentence modification packet to the court. The community corrections intake office staff shall contact the sentencing judge to determine the status of the request for sentence modification. Community Corrections Intake staff shall notify the Reception and Youthful Offender Services Section as to the status of the request for sentence modification. If the community corrections intake office staff member obtains the approved DC3-234, the staff member shall forward the DC3-324 to the Bureau of Sentence Structure and Transportation. The Bureau of Sentence Structure and Transportation shall make the necessary sentence structure adjustments and route the DC3-234 to the Release Services unit in the Bureau of Classification and Central Records. Release services staff shall review the sentence modification order and clear the inmate for release. If the sentencing court disapproves the sentencing modification, the Bureau of Sentence Structure and Transportation shall notify the institutional classification team at the institution housing the inmate and the steps in paragraph (5)(k) shall be followed.

(6) The basic training program consists of the following major components:

(a) Physical Training with obstacle course. This portion of the program consists of strenuous exercise designed to develop optimum physical conditioning of the inmate.

(b) through (g) No change.

(h) General education development and adult basic education courses.

Specific Authority 20.315, 944.09, 958.045 FS. Law Implemented 20.315, 944.09, 958.045 FS. History--New 2-26-89, Amended 1-25-96, Formerly 33-27.006, Amended 3-13-01, Formerly 33-506.206, Amended 1-17-02, 10-3-02, _____.

33-601.237 Basic Training Program – Inmate Privileges and Restrictions.

Inmates in the basic training program shall have privileges normally afforded the general inmate population modified as set forth below:

(1) No change.

(2) Canteen Privileges. Inmates in the basic training program shall be allowed to purchase items from the inmate canteen once per week on a prearranged schedule. Inmate canteen purchases shall be limited to the following items:

(a) Toiletries (soap, shampoo, deodorant, Q-Tips, chap stick, shaving cream, skin care lotion, toothbrush, toothpaste, toothbrush holder, unwaxed dental floss, soap dish, nail clippers, baby powder);

(b) Health aids (headache and cold remedies, antacids, laxatives, eye wash, antifungal preparation, cough drops, nasal sprays);

(c) Writing materials (black pens, writing pads and envelopes); and

(d) Stamps

(3) through (4) No change.

(5) Religious Practices.

(a) No change.

(b) ~~The human services counselor, the~~ institutional chaplain and the program director will assess requests on a case by case basis for religious observances or practices not routinely available in the Basic Training Program.

Specific Authority 944.09, 958.045 FS. Law Implemented 944.09, 958.045 FS. History--New 2-26-89, Amended 1-25-96, Formerly 33-27.007, Amended 3-13-01, Formerly 33-506.207, Amended 1-17-02, _____.

33-601.241 Basic Training Program – Discipline.

(1) No change.

(2) Review Team. The review team is authorized to impose any alternative training procedures as well as any of the following disciplinary measures:

(a) through (c) No change.

(d) Assign participation in specially devised physical activities.

(3) No change.

Specific Authority 944.09, 958.045 FS. Law Implemented 944.09, 958.045 FS. History--New 2-26-89, Amended 1-25-96, Formerly 33-27.012, Amended 3-13-01, Formerly 33-506.211, Amended 1-17-02, _____.

33-601.242 Removal from Basic Training Program.

(1) No change.

(2) The classification officer shall recommend removal by docketing the inmate's case for review by the ICT by using Form DC6-120, Institutional Classification Team Docket. Form DC6-120 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is January 17, 2001. The inmate will not be removed from the basic training program until the SCO has approved the inmate's removal and transfer from the program. The decision and justification shall be noted on the offender based information system.

(3) through (4) No change.

Specific Authority 958.04(4)(b), 958.045(1)(b) FS. Law Implemented 944.09, 958.04, 958.045 FS. History--New 2-26-89, Amended 1-25-96, 10-23-97, Formerly 33-27.013, Amended 3-13-01, Formerly 33-506.212, Amended 1-17-02,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigations	33-601.305
Disciplinary Hearings	33-601.307
Inmate Discipline – Forms	33-601.313

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification for preparation of disciplinary reports, the handling of physical and videotape evidence, and inmate appearance at disciplinary hearings.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 944.34, 945.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.304 Preparation of Disciplinary Reports.

(1) No change.

(2) The statement of facts shall include

(a) through (d) No change.

~~(e) Any staff witnesses;~~

~~(e)(f) No change.~~

~~(f)(g) Any immediate action taken, including use of force; and~~

~~(g)(h) No change.~~

(3) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-1-95, Formerly 33-22.005, Amended 5-21-00, 2-11-01,_____.

33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing of the disciplinary report. The investigating officer is responsible for the following:

(1) No change.

(2) Interviewing the charged inmate. When interviewing the charged inmate the investigator is responsible for the following:

(a) through (d) No change.

~~(e) Asking the inmate if there are any witnesses or evidence to offer in the inmate's behalf.~~

~~(f) Completing and obtaining the inmate's signature on the Witness Disposition, Form DC6-112B, and the Documentary or Physical Evidence Disposition, Form DC6-151. Form DC6-112B and Form DC6-151 are incorporated by reference in Rule 33-601.313, F.A.C.~~

~~(g) Completing Form DC6-2028, Disposition of Videotape Evidence, when necessary. Form DC2-2028 is incorporated by reference in Rule 33-601.313, F.A.C.~~

(3) No change.

(4) Reviewing documentary or physical evidence referenced by the charging staff person or identified by the charged inmate on Form DC6-151, Documentary or Physical Evidence Disposition. When the evidence is a videotape identified by the inmate, the inmate must also include a written statement on Form DC6-151 describing what he expects the tape to show. Failure to complete and sign Section II on Form DC6-151 will result in a waiver of the opportunity to have documentary or physical evidence presented at hearing. The investigator shall determine whether, based upon review of the tape itself or the capabilities of the particular taping equipment, the tape described by the inmate does or does not provide evidence to support the inmate's statement. If the investigator determines that the tape provides evidence to support the inmate's statement, he shall prepare a summary for the investigative report. If the investigator determines that the tape does not provide evidence to support the inmate's statement, the inmate will be provided with the following written statement: "Based upon review of the identified tape or the capabilities of the particular taping equipment, the tape requested does not provide evidence to support the inmate's statement." The investigator shall provide on Form DC6-2028, Disposition of Videotape Evidence, a detailed description of why the tape did not provide evidence to support the inmate's

statement. In the interest of institutional security, this form shall not be provided to the inmate, but shall be retained with the other disciplinary report documentation.

(5)(4) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 10-1-95, Formerly 33-22.0055, Amended 5-21-00, 2-11-01,_____.

33-601.307 Disciplinary Hearings.

(1)(a) No change.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate also waives the right to submission of ~~may submit at the time of the refusal~~ a written statement ~~which shall be delivered~~ to the disciplinary team or hearing officer. If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of findings section of the disciplinary report.

(c) through (2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (c) No change.

(d) Failure to sign and complete the witness disposition form, DC6-112B, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement. Form DC6-112B must be used for listing witnesses. Listing witness names on any other document, including the Witness Statement, Form DC6-112C, will not result in their being considered.

(e) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01,_____.

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) through (f) No change.

(g) DC6-151, Documentary or Physical Evidence Disposition, effective date _____.

(g) through (h) renumbered (h) through (i) No change.

(j) DC6-2028, Disposition of Videotape Evidence, effective date _____.

(2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History--New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Discipline – Rehearings
 RULE NO.: 33-601.310

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification for use of the rehearing process.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 944.719, 945.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.310 Inmate Discipline – Rehearings.

(1) through (2) No change.

(3) There will not be a rehearing when there is a major procedural error. Examples of major procedure errors are beginning the investigation more than 24 hours after the disciplinary report was written and beginning the hearing less than 24 hours from delivery of the charge with no waiver signed and the inmate was not scheduled for release.

(4) The disciplinary team or hearing officer shall credit the inmate with any satisfied element of the original action such as time served on probation or time served in disciplinary confinement. The findings and actions of the disciplinary hearing will clearly state the specific satisfied element and the credit applied by making a statement in the basis of findings.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS History--New 10-1-95, Formerly 33-22.0105, Amended 5-21-00, 2-11-01,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties
 RULE NO.: 33-601.314

for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement SB 1596 by providing a disciplinary charge for having been found by a court to have brought a frivolous or malicious collateral criminal proceeding filed after September 30, 2004.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.
 The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Disciplinary	Maximum Disciplinary Actions
SECTION 1 through SECTION 8 No change.	
SECTION 9 MISCELLANEOUS INFRACTIONS	
9-1 through 9-31 No change.	
9-32 <u>In accordance with Section 944.279(1), F.S., if found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or appeal in any court which is filed after June 30, 1996, or to have brought a frivolous or malicious collateral criminal proceeding or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court.</u>	60 DC + All GT
9-33 through 9-34 No change.	
SECTION 10 through SECTION 11 – No change.	

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Formerly 33-22.12, Amended 1-10-85, 12-30-86, 9-7-89, 11-2-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, _____.

DEPARTMENT OF CORRECTIONS
 RULE TITLE: Interstate Corrections Compact
 RULE NO.: 33-601.401
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct an error in the rule to provide that inmates confined in a Florida correctional institution under the interstate corrections compact shall have the same program and work opportunities as provided to Florida inmates. Providing program and work opportunities on the same basis as the sending state, as is provided in the current rule, is not practical.
 SUBJECT AREA TO BE ADDRESSED: Interstate corrections compact.
 SPECIFIC AUTHORITY: 941.57, 944.09 FS.
 LAW IMPLEMENTED: 941.55, 941.56, 941.57 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.401 Interstate Corrections Compact.
 (1) Definitions. As used in this Rule Chapter:
 (a) through (d) No change.
 (2) through (3) No change.
 (4) When Florida is the Receiving State.
 (a) through (c) No change.
 (d) Inmates confined under the Interstate Corrections Compact shall be afforded the opportunity and shall be required to participate in programs of occupational training, industrial or other work on the same basis as inmates of Florida ~~the sending state~~. Qualified inmates will be eligible for participation in Community Work Release Programs with the approval of the sending state. Approval will be obtained through the Interstate Corrections Compact Administrator.
 (e) through (5) No change.

Specific Authority 941.57, 944.09 FS. Law Implemented 941.55, 941.56, 941.57 FS. History–New 7-7-81, Formerly 33-21.01, Amended 12-30-96, Formerly 33-21.001, Formerly 33-301.101, Amended 3-9-03, 9-23-03, _____.

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District
 RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-1
 RULE TITLE: Forms and Instructions
 RULE NO.: 40D-1.659

PURPOSE AND EFFECT: Forms which the District uses in dealings with the public must be formally adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes. The District currently uses the State of Florida Permit Application to Construct, Repair, Modify or Abandon A Well, Form No. 41.10-410(1), REV 4/95, which is adopted by Rule 40D-1.659, F.A.C. The form is used statewide by all entities that issue permits for the construction of water wells. Revisions to the form have been recommended by the Department of Environmental Protection (DEP) Water Well Contractor Workgroup, which consists of representatives from DEP, each water management district, the Department of Health, local governments and the regulated community. The changes will allow inclusion in the form of additional information identifying the location of the proposed activity. Rulemaking is necessary to incorporate the revision of this form into the District's rules in compliance with the requirements of the above-referenced statutory provision.

SUBJECT AREA TO BE ADDRESSED: This proposed rulemaking will revise State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, Form No. 41.10-410(1) REV 4/95, to allow the inclusion of a delineation area number and a Parcel Identification Number (PIN), and amended subsection 40D-1.659(4), F.A.C., to incorporate the revision date.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416(2), 403.805 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (3) No change.

(4) STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY OR ABANDON A WELL FORM NO. 41.10-410(1) REV. () 4/95.

(5) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History--New 12-31-74, Amended 10-24-76, Formerly 161-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Wells RULE CHAPTER NO.: 40E-3

PURPOSE AND EFFECT: To update the District's Well Construction Rules to reflect current industry practices, incorporate delegation of the Florida Department of Environmental Protection's authority concerning the well construction permitting program in areas of known groundwater contamination and update the list of delegations to local governments and county health departments.

SUBJECT AREA TO BE ADDRESSED: Well Construction Permitting/Standards.

SPECIFIC AUTHORITY: 120.54(5), 120.60, 373.044, 373.113, 373.119, 373.136, 373.149, 373.171, 373.309, 373.333 FS.

LAW IMPLEMENTED: 373.103(1), 373.113, 373.119, 373.129, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.324, 373.326, 373.329, 373.333, 373.336, 373.339, 373.342 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES LISTED BELOW.

TIME AND DATE: 11:00 a.m., August 19, 2004

PLACE: South Florida Water Management District, Lower West Coast Regional Service Center, 1st Floor, Large Conference Room, 2301 McGregor Boulevard, Ft. Myers, Florida 33901

TIME AND DATE: 1:30 p.m., August 20, 2004

PLACE: South Florida Water Management District, B-1 Headquarters Building, Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Lori Ojala, District Clerk, (561)682-6297, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kurt Leckler, Sr. Supervising Hydrogeologist, 1(800)432-2045, Extension 6953 or (561)682-6953, email: kleckler@sfwmd.gov; For procedural issues regarding the rule process contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Ext. 6299 or (561)682-6299, e-mail: jsluth@sfwmd.gov

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

LAND AND WATER ADJUDICATORY COMMISSION

Coastal Lake Community Development District

RULE CHAPTER TITLE: Coastal Lake Community Development District
 RULE CHAPTER NO.: 42WW-1

RULE TITLES: Establishment
 Boundary
 Supervisors
 RULE NOS.: 42WW-1.001
 42WW-1.002
 42WW-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Coastal Lake Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by The St. Joe Company, requests the Commission establish a community development district located within unincorporated Walton County, Florida. A Notice of Receipt of Petition for the Coastal Lake Community Development District was published in the May 7, 2004, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 1,402 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the non-governmental real property located within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 478 residential units, 25,000 square feet of retail space, 10,000 square feet of office space, and various community recreational and leisure amenities including up to 10,000 square feet of building area. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including entry features, landscape and irrigation, a stormwater management system, and water and sewer systems.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Coastal Lake Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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 (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., Wednesday, August 11, 2004
 PLACE: Room 1802M, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE TITLES: Investigations and License, Life Safety and Validation Inspections
 RULE NO.: 59A-3.253

PURPOSE AND EFFECT: The Agency proposes to revise Rule 59A-3.253, F.A.C., as specified in Sections 6 and 7 of Chapter 2004-297, Laws of Florida. The statutory revisions in these sections require the Agency for Health Care Administration to revise or adopt rules requiring hospitals to make data available to the public.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revisions specify that each hospital licensed under Chapter 395, F.S., is required to provide data on patient charges and performance outcomes on Internet sites and make those data available in hard-copy format upon request. The rule language specifying sanctions is revised to include failure to comply with this requirement.

SPECIFIC AUTHORITY: 395.1055(1) FS.

LAW IMPLEMENTED: 395.1055(1)(h), 395.1065(7) FS.

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

TIME AND DATE: 2:00 p.m., August 11, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)487-0641

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-3.253 Investigations and License, Life Safety and Validation Inspections.

(1) through (9) No change.

(10) DATA COLLECTION. – All hospitals shall comply with the agency requirements for data submission as authorized under Section 395.1055, F.S., Chapter 408, F.S., and Chapter 732, F.S. This data, which does not have to be resubmitted to the agency’s hospital licensing office as a provision of this part, includes:

(a) Certificate of need reviews required under Sections 408.031 through 408.045, F.S., and at such intervals as required by Chapter 59C-1, F.A.C.;

(b) Quality of care patient outcome data as required by Sections 408.02(3) and paragraph 395.1055(1)(g)(f), F.S., and as mandated by rules adopted by the agency. Each hospital shall make a written copy available upon request, and include on their Internet website, a description of and a link to, the patient charge and performance outcome data that is collected by the Agency as required by Section 408.061(1), F.S., and posted on the Agency Florida HealthStat Internet site.

(c) Completion of the Specialty Care and Referrals Report, as required by rules adopted by the agency; and

(d) Each hospital shall submit a quarterly report to the agency summarizing the number of requests made by the hospital for organ donation in accordance with Chapter 732, F.S.

(11) SANCTIONS. – The agency shall impose sanctions, in accordance with Section 395.1065, F.S., on those hospitals which fail to submit an acceptable plan of correction or implement actions to correct deficiencies identified by the agency or an appropriate accrediting organization which are specified in an approved plan of correction or as identified as a result of a complaint investigation, or on those hospitals which fail to provide written copies of patient charge and outcome data as required by Section 408.061(1), F.S., or fail to provide Internet links on the hospital’s website to the Agency website containing this data.

Specific Authority 395.0161, 395.1055 FS. Law Implemented 395.001, 395.003, 395.0161, 395.1055, 408.035, 408.036 FS. History—New 9-4-95, Formerly 59A-3.204, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Application Procedures

RULE NO.: 59C-1.008

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines certificate of need (CON) application procedures. The amended rule incorporates an amended CON application, increased CON filing fee, and removes requirements for CON filing with Local Health Councils and Local Health Council preferences from CON review.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that outlines certificate of need application procedures.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033, 408.035, 408.036(1) 408.037, 408.038, 408.039 FS.

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

TIME AND DATE: 2:00 p.m. (EST), August 9, 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 DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital, beds and facilities and for other beds and programs, as specified in paragraph (g) of this subsection. The category “hospital beds and facilities” includes proposals for new hospital facilities, replacement hospital facilities if being replaced more than a mile away, acute care beds, neonatal level II and level III beds, hospital inpatient psychiatric beds, hospital inpatient substance abuse beds, comprehensive medical rehabilitation beds, unless otherwise exempt, and ~~and~~ beds for long term care. The category “other beds and programs” includes proposals for open heart surgery, pediatric cardiac catheterization, specialty burn units, organ transplantation, distinct-part skilled nursing unit (SNU) beds, community nursing home projects, hospice programs, hospice inpatient beds, and intermediate care facilities for the developmentally disabled.

(a) Letter of Intent. A letter of intent shall state with specificity the type of project proposed with sufficient clarity to notify the public of the intention to file a Certificate of Need application. A separate letter of intent is required for each type of project and for each type of bed; or ~~service or equipment~~

having a separate need methodology, proposed to be located in a different planning area as defined for each program under this Chapter, or licensing category, even if the projects are within the same facility. At least 30 days prior to the applicable batching cycle application due date, an applicant shall file a letter of intent respecting the development of a proposal in the following manner:

1. The letter of intent must be actually received by the agency by 5:00 p.m. local time. The original of the letter of intent must be submitted to the agency.

2. A letter of intent is for a specific project within a specific geographic planning area as defined by rule or statute for an established planning horizon. When no planning area is defined, the district should be specified.

3. through 4. No change.

(b) through (c) No change.

a. No change.

b. If the proposal is for a project which will result in licensure of a new health care facility or hospice, the applicant seeking the certificate of need must be in existence at the time the letter of intent is submitted. If the applicant is a corporation, Limited Partnership, or otherwise organized, it must have filed an application with the Florida Department of State authorizing the applicant to conduct business in Florida.

2. through 4. No change.

5. Location refers to the health planning subdistricts adopted in Chapter 59C-2, F.A.C. in each program rule under this Chapter, or the service districts. The applicant must indicate the subdistrict by name or number; Nursing home applicants as provided in Chapter 59C-2, F.A.C., must also and give the name of the county where the proposed project will be located, as provided in Chapter 59C-2, F.A.C.

(d) through (e) No change.

(f) No change.

1. The application must be actually received by the agency by 5:00 p.m. local time on or before the application due date. ~~The Local Health Council must receive a copy of the application bearing a postmark or shipping date that is no later than the application due date.~~

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency and shall be withdrawn from further review.

3. No change.

(g) No change.

(h) An applicant for a project subject to Certificate of Need review which affects an existing licensed health care facility, an existing licensed hospice, or an existing licensed intermediate care facility for the developmentally disabled ~~mentally retarded~~ must be the license holder. The legal name of the license holder must be stated. In addition, the license number and date of expiration must be stated. It is the

responsibility of the person issued a license to keep licensure information current. If agency records indicate information different from that presented in the letter of intent with respect to the identification of the holder of the license and the licensure status, then the agency records create a rebuttable presumption as to the correctness of those records and therefore the application will be rejected.

(i) through (j) No change.

(2) No change.

(a) No change.

1. No change.

2. Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within 10 days of the date the fixed need pool was published in the Florida Administrative Weekly publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted and re-published in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this time period will result in no adjustment to the fixed need pool number for that batching cycle. ~~Any other adjustments will be made in the first cycle subsequent to identification of an error, including those errors identified through administrative hearings or final judicial review.~~

3. No change.

(b) No change.

1. No change.

2. Beds or services initially denied by the agency and subsequently granted in administrative hearing or by stipulated agreement will be counted as approved when the final order granting them is rendered. No beds or services previously denied will be included in the inventory based on a recommended order.

~~3. Beds or services initially denied by the agency and subsequently granted in a stipulated agreement will be counted as approved on the date the stipulated agreement is signed by all parties.~~

(c) Deleting Beds or Services. Beds or services will be included in the inventory as long as there is a valid intent to grant or a valid certificate of need outstanding. Beds or services will not be deleted from the inventory until an intent to grant is overturned in a final order or judicial review of the final order. Beds or services will not be deleted from the inventory until a Certificate of Need is rescinded, revoked, modified, voided, or voluntarily surrendered by an applicant. Licensed beds and services will be deleted when the license is no longer in effect. The effective date for the deletion will be the date the license was voluntarily surrendered by the license holder, the date of final agency action in the case of a final order or the date of a court order if a final order is appealed.

(d) through (e) No change.

(3) Filing Fees. Certificate of need applications shall not be accepted by the agency at the time of filing unless accompanied by the minimum base certificate of need application filing fee in accordance with Section 408.038, F.S. The minimum base fee shall be \$10,000 ~~\$5,000~~. In addition to the base fee of \$10,000 ~~\$5,000~~, the fee shall be 0.015 of each dollar of the proposed expenditure, except that no fee shall exceed \$50,000 ~~\$22,000~~.

(a) through (c) No change.

~~(4) Submission to Local Health Council. Each applicant shall submit a copy of its application to the Local Health Council consistent with the requirements established under subsection (1)(f)1. of this rule.~~

~~(4)(5) Certificate of Need Application Contents. An application for a certificate of need shall contain the following items:~~

(a) through (e) No change.

~~(5)(6) Identifiable Portions. If an applicant would like to be considered for an award of an identifiable portion of the project, the application, at the time of submission, must include responses to the applicable questions on the identifiable portion. The agency may make a partial award only if the applicant included responses to the applicable questions in the application.~~

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Penalties
 RULE NO.: 59C-1.021
 PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines assessment of administrative fines for failure to comply with conditions placed on a Certificate of need (CON).
 SUBJECT AREA TO BE ADDRESSED: Penalties for noncompliance for failure to report on CON conditions.
 SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.
 LAW IMPLEMENTED: 408.040 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 2:00 p.m. (EST), August 9, 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 DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.021 Certificate of Need Penalties.

(1) through (2) No change.

(3) Penalties for Failure to comply with Certificate of Need or Exemption Conditions. The agency shall review the annual compliance report submitted by the health care providers who are licensed and operate the facilities or services and other pertinent data to assess compliance with certificate of need or exemption conditions. Providers who are not in compliance with certificate of need or exemption conditions shall be fined. Failure to report compliance with any condition upon which the issuance of the certificate of need or exemption was predicated constitutes noncompliance. For community nursing homes or hospital-based skilled nursing units certified as such by Medicare, the first compliance report on the status of conditions must be submitted 30 calendar days following the eighteenth month of operation or the first month where an 85 percent occupancy is achieved, whichever comes first. The schedule of fines is as follows:

(a) Facilities failing to comply with any conditions or failing to provide the Certificate of Need office with a report on its compliance with conditions set forth on the Certificate of Need or exemption, will be assessed a fine, not to exceed \$1,000 per failure per day. In assessing the penalty the agency shall take into account the degree of noncompliance relative lack of severity of a particular failure.

(b) No change.

(4) No change.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.040(1)(b),(2)(a), 408.044 FS. History—New 7-25-89, Formerly 10-5.021, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Florida Elevator Safety Code
 RULE CHAPTER NO.: 61C-5
 RULE TITLE: Elevator Safety Technical Advisory Council
 RULE NO.: 61C-5.016
 PURPOSE AND EFFECT: The purpose of this rule is to implement requirements in accordance with Chapter 399, Florida Statutes, as imposed by the 2004 Legislature in House Bill 129 relative to the Elevator Safety Technical Advisory Council.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address the membership composition of the Elevator Safety Technical Advisory Council and the staggered term of service for each classification of membership.
 SPECIFIC AUTHORITY: 399.1061 FS.
 LAW IMPLEMENTED: 399.10, 399.1061 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: Lee M. Cornman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.016 Elevator Safety Technical Advisory Council.

The Elevator Safety Technical Advisory Council shall consist of eight members appointed by the secretary of the department. Each of the representatives shall serve 4-year terms except to provide for staggered terms as specified in statute, four of the initial appointees shall serve 2-year terms. The council representatives that shall serve an initial 2-year term of service are as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from a building design profession; one representative of labor involved in the installation, maintenance, and repair of elevators; and one representative of a local government in this state. The council representatives that shall serve an initial 4-year term of service are as follows: one representative from an elevator servicing company; one representative of the general public; one representative of a building owner or manager; and one representative who is a certified elevator inspector from a private inspection service. All subsequent appointments shall be for 4-year terms.

Specific Authority 399.1061 FS. Law Implemented 399.10, 399.1061 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Qualification Program for Special Inspectors of Threshold Buildings
 RULE NO.: 61G15-35.003
 PURPOSE AND EFFECT: The Board finds it necessary to clarify that to qualify as a special inspector of threshold buildings one must obtain experience in structural design after having been licensed as a professional engineer.
 SUBJECT AREA TO BE ADDRESSED: Qualification Program for Special Inspectors of Threshold Buildings.
 SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.
 LAW IMPLEMENTED: 471.015(7), 471.033 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: Paul J. Martin, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

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

(c) Two years of experience in the structural design of threshold buildings after having achieved licensure as a professional engineer. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(d) through (4) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History—New 4-19-01, Amended 7-7-02, 4-5-04, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Teaching Permits
 RULE NO.: 64B5-7.005
 PURPOSE AND EFFECT: The Board proposes to review the rule amendments to determine whether necessary.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment sets forth requirements for faculty seeking a teaching permit from the Board.
 SPECIFIC AUTHORITY: 466.002(6), 466.004(4) FS.
 LAW IMPLEMENTED: 466.002(6), 466.017(4) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.005 Teaching Permits.

(1) A teaching permit may be issued by the Board of Dentistry to a faculty member of a fully-operational program dental school accredited by the Commission on Dental Accreditation of the American Dental Association at a dental school approved by the Board or a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean of the school if the faculty member:

- (a) through (c) No change.
- (2) through (4) No change.

Specific Authority 466.002(6), 466.004(4) FS. Law Implemented 466.002(6), 466.017(4) FS. History—New 4-30-80, Amended 1-13-81, Formerly 21G-7.05, Amended 1-29-89, Formerly 21G-7.005, 61F5-7.005, Amended 10-16-96, 3-16-97, Formerly 59Q-7.005, Amended 11-10-98, 8-3-00, 1-12-04,

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Examination Fees 64B5-15.003
 Reexamination Fees 64B5-15.004

PURPOSE AND EFFECT: The Board proposes amendments to update examination and reexamination fees.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would change the examination and reexamination fees.

SPECIFIC AUTHORITY: 456.017(2), 466.004(4), 466.006(1), 466.007(1) FS.

LAW IMPLEMENTED: 456.017(2), 466.006(1),(3)(c), 466.007(1), 466.009(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Continuing Education Requirements for Reactivation of License
 RULE NO.: 64B32-6.007

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule pertaining to the reactivation of license.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for reactivation of license.

SPECIFIC AUTHORITY: 456.036, 468.353 FS.

LAW IMPLEMENTED: 468.363 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE 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: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.007 Continuing Education Requirements for Reactivation of License.

The continuing education requirements for reactivation of a license shall be:

(1) Those requirements specified in subsection 456.036(10), Florida Statutes; and

(2) Documented proof of completion of 24 hours of approved continuing education as provided in this rule chapter and including HIV/AIDS and medical error prevention, for the preceding biennium during which the licensee held an active license.

Specific Authority 456.036, 468.353 FS. Law Implemented 468.363 FS. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES: Healthy Lifestyle Rebate 690-149.0055
 Employee Health Care Access Act Annual and Quarterly Statement 690-149.038

PURPOSE AND EFFECT: To implement the provisions of HB 1629 regarding rebates for healthy lifestyles as well as amending the underwriting margin of 5% to 4% in the small group market.

SUBJECT AREA TO BE ADDRESSED: Healthy Lifestyle Rebate and underwriting margin in small group market.

SPECIFIC AUTHORITY: 624.038(1), 627.410(6), 627.669(5)(i)3.a.,4.a.,(6),(16) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(6), 627.65626, 627.6699(6)(b) 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., August 19, 2004

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

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

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

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Use of Filed Rates	690-170.005
Rate Manual Filings and Revisions	690-170.006
Annual Rate Filings	690-170.007
Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms	690-170.013
Actuarial Memorandum	690-170.0135
Homeowners Insurance Ratemaking and Rate Filing Procedures	690-170.014
Dwelling Insurance Ratemaking and Rate Filing Procedures	690-170.0141
Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines	690-170.0142
Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice	690-170.0143
Forms	690-170.0155

PURPOSE AND EFFECT: This is a second workshop to amend rules to:

- Improve the quality of rate filings by providing specific detail of the components of a filing so as to minimize the Office’s processing of incomplete filings;
- Delete outdated language and mandate electronic filing;
- Add specific filing details for medical malpractice coverage;

- Add provisions for streamlined rate filings;
- Adopt amended Form OIR-B1-583, Florida Expense Supplement Calculation of Company Loss Cost Multiplier, and other forms used in the rate filing process.

SUBJECT AREA TO BE ADDRESSED: Property and casualty insurance rate filing procedures.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 624.424, 624.604, 624.605, 627.021, 627.062, 627.062(2), 627.0645, 627.065, 627.0651, 627.221, 627.301, 627.331 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., August 17, 2004

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

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

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

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

DEPARTMENT OF FINANCIAL MANAGEMENT

Office of Insurance Regulation

RULE TITLE:	RULE NO.:
Motor Vehicle Insurance Ratemaking and Rate Filing Procedures	690-175.003

PURPOSE AND EFFECT: This is a second workshop to amend the rule to:

- Improve the quality of rate filings by providing specific detail of the components of a filing so as to minimize the Office’s processing of incomplete filings;
- Delete outdated language and mandate electronic filing;
- Update and adopt rate filing forms.

SUBJECT AREA TO BE ADDRESSED: Motor vehicle insurance rate filing procedures.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0651 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., August 17, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Office of Insurance Regulation, E-mail Dinof@dfs.state.fl.us.

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

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate
RULE NO.: 690-191.0545

PURPOSE AND EFFECT: To implement the provisions of HB 1629 regarding rebates for healthy lifestyles in HMO filings.

SUBJECT AREA TO BE ADDRESSED: Healthy Lifestyle Rebate.

SPECIFIC AUTHORITY: 641.36, 641.31(2) FS.

LAW IMPLEMENTED: 641.31(40) FS. [HB 1629]

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., August 19, 2004

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

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

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

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

**Section II
Proposed 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 CORRECTIONS

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

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

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

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: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-210.101 Routine Mail.

(1) through (6) No change.

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

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

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

~~(10)~~(9) Inmates may not send mail to any person who has advised the warden that he does not wish to receive mail from the inmate. The parents or legal guardians of a person under the age of 18 may advise that mail is not to be sent to such person. Upon receipt of such advisement, the warden will cause to be prepared an acknowledgement specifying that the inmate will not be permitted to send mail to the person requesting the correspondence restriction and that such person should return any further mail received from the inmate and notify the warden of the attempt to correspond. After the inmate is notified of the correspondence restriction, any further attempt to correspond will be considered a violation of this rule and of section 9-14 of the Rules of Prohibited Conduct, (Rule 33-601.314, F.A.C.) and will subject the inmate to disciplinary action.

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

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

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

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

(d) Is written in code;

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

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

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

(h) Threatens physical harm, blackmail or extortion;

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

1. Actual or simulated sexual intercourse;

2. Sexual bestiality;

3. Masturbation;

4. Sadoomasochistic abuse;

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

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

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

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

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

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

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

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

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

~~(14)~~(13) When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be

given to the inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. In either case the inmate may file a grievance to be reviewed by an officer or official other than the person disapproving the mail. Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 12-4-02.

(a) When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given to the inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender.

(b) If the incoming mail is disapproved for one of the reasons listed in subsections (7), (8), or (9), paragraph (11)(a) through (k) or (n), subsection (12) or (13) of this rule, the institution shall make a copy of the correspondence before returning it to the sender with the Unauthorized Mail Return Receipt, Form DC2-521, included. The institution is not required to copy incoming correspondence disapproved pursuant to subsection (7) if the return address on the envelope was the reason for determining that the mail was sent from an inmate at another penal institution.

(c) The copies shall be retained by the institution for 30 days, not including any time that a grievance appeal is pending, provided the inmate has initiated the process by filing a formal grievance within 15 days of notice of the mail rejection. The inmate is not required to file an informal grievance of the mail rejection.

(d) If unauthorized items are ~~contraband~~ is discovered in the mail (other than ~~items~~ ~~contraband~~ of an illegal nature), the ~~unauthorized~~ ~~contraband~~ item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt, Form DC2-521, included. ~~In either case the inmate may file a grievance to be reviewed by an officer or official other than the person disapproving the mail.~~

(e) Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is December 4, 2002.

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

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

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

33-210.102 Legal Documents and Legal Mail.

(1) through (6) No change.

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

(8) Processing of Legal Mail.

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

(b) Inmates shall present all outgoing legal mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is legal mail and that it contains no unauthorized items ~~contraband~~. Only the address may be read to determine whether it is properly addressed to a person or agency listed in subsection (2) of this rule. If the outgoing mail contains unauthorized items ~~contraband~~ or is not legal mail, the inmate shall be subject to disciplinary action. If the outgoing mail is legal mail and it contains no unauthorized items ~~contraband~~, the mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp. For confinement areas, the staff member who picks up the legal mail each day shall stamp the documents, have the inmate place his or her initials next to the stamp, and have the inmate seal the envelope in the staff member's presence. The use of mail drop boxes for outgoing legal mail is prohibited.

(c) through (12) No change.

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

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

(15) through (16) No change.

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

33-210.103 Privileged Mail.

(1) through (2) No change.

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

(4) Processing of Privileged Mail.

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

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

(c) No change.

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

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

missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing privileged mail with the complete institutional name and address and shall mail it without delay. All outgoing privileged mail will be stamped "mailed from a state correctional institution" by mail room staff.

(7) through (8) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Grievance Procedures
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language.
SUMMARY: The proposed rule deletes language that sets specific time frames for issuance of responses and that provides instructions for provision of copies to staff members.
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: 944.09 FS., 45 CFR 164.530
LAW IMPLEMENTED: 944.09 FS., 45 CFR Part 160, 164
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE 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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Atchison
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2004

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.

SUMMARY: The proposed rule deletes obsolete and unnecessary language; emphasizes offender reporting responsibilities; and requires provision of information related to income, employment, and payment of monetary obligations on each monthly report to the supervising officer.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE 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 to 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Atchison

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE:

RULE NO.:

Correctional Probation Officer Badges

33-302.115

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to move rule language specific to correctional probation officers from the general employee grooming rule to a new rule in the community corrections section of the rules, and to clarify provisions regarding the wearing of the correctional probation officer badge.

SUMMARY: The proposed rule moves language specific to correctional probation officers from the general employee grooming rule to a new rule in the community corrections section of the rules, and clarifies provisions regarding the wearing of the correctional probation officer badge.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.115 Correctional Probation Officer Badges.

(1) Circuit administrators shall maintain control and inventory of correctional probation officer badges within each circuit.

(a) The circuit administrator shall issue badges to officers after certification is received.

(b) The circuit administrator or designee shall conduct annual circuit badge inventories and submit the circuit badge inventory to the regional director. The annual circuit badge inventory shall include the following information:

1. Badge number.

2. Name of officer, in the last-name-first-first-name-last format (or blank if not issued).

3. Circuit and office location.

4. Status (including issued, not issued, stolen, lost, or retired), and

5. Total counts for each status, including the total number of badges issued, the total number of badges not issued, the total number of badges stolen, the total number of badges lost, and the total number of badges retired.

(c) The regional director or designee shall compile the circuit inventories to complete annual regional badge inventories and submit the regional badge inventories to the Director of Community Corrections.

(2) Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be silver colored metal for correctional probation officers and correctional probation senior officers and gold color for correctional probation specialists, correctional probation

supervisors, correctional probation senior supervisors, correctional probation administrators, and fugitive apprehension coordination team correctional services consultants. Badges shall be pre-numbered with black lettering.

(3) Use of the issued badge as a credential for personal purpose is prohibited.

(4) Badges shall be visibly displayed on the correctional probation officer's person or readily accessible in order for the correctional probation officer to properly identify himself or herself to the public. Additional provisions addressing display of badges worn by correctional probation officers are contained in Rule 33-302.104, F.A.C.

(5) Loss or theft of a badge shall be reported to the officer's immediate supervisor within 72 hours of the officer becoming aware that the badge was stolen or lost. Theft or loss of a badge shall be reported by the officer on the Community Corrections Incident Report, Form DC3-225, followed by a MINS report by the circuit administrator. Form DC3-225 is incorporated by reference in Rule 33-302.104, F.A.C. The officer shall be responsible for reimbursing the department for any issued badge which is lost.

(6) Correctional probation officers shall maintain their original badge issued if transferred to another circuit or region. The circuit administrator or designee in both circuits shall update their badge inventories accordingly. Once the officer has transferred to another circuit, the sending circuit administrator or designee shall remove the badge information from the circuit's inventory and the receiving circuit administrator or designee shall add the badge information to his or her circuit's inventory.

(7) Correctional probation officers who leave the department shall return their badges to the circuit administrator prior to departing.

(8) Correctional probation officers promoted to a position outside the class series or who retire from the department under honorable conditions and who are eligible to retire under the State of Florida retirement system, including retirement under medical disability, who desire to retain their issued badges, shall make a request to the regional director.

(9) Regional directors shall review requests submitted by employees to maintain their badges and forward recommendations to the Director of Community Corrections for final approval. Officers who retire shall be allowed to retain their issued badges. Officers who are promoted shall be allowed to keep their badges upon reimbursement of the department of the cost of a replacement badge. The badge of a correctional probation officer who is killed in the line of duty shall be presented to the employee's next of kin.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Atchison
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 8, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 19, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Transfer Procedures for Youthful Offenders
RULE NO.: 33-601.224

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to delete language that is unnecessary and duplicative of statute.

SUMMARY: The rule is being repealed as it is unnecessary and duplicative of language in Section 958.11, F.S.

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: 958.11 FS.

LAW IMPLEMENTED: 958.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.224 Transfer Procedures for Youthful Offenders.

Specific Authority 958.11 FS. Law Implemented 958.11 FS. History—New 10-11-95, Formerly 33-33.010, Formerly 33-506.104, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: James V. Crosby, Jr.

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Youthful Offender Program Participation
RULE NO.: 33-601.226

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to expand the daily hours for the extended day program for youthful offenders and to provide the process for handling of recommendations for sentence modifications once approved or disapproved by the sentencing judge.

SUMMARY: The proposed rule reflects that the extended day program is a 16-hour rather than a 12-hour program, and provides additional language to address the handling of recommendations once approved or disapproved by the sentencing judge.

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: 958.11 FS.

LAW IMPLEMENTED: 958.11, 958.12 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.226 Youthful Offender Program Participation.

(1) Each youthful offender institution shall provide a programmatically diversified extended day of 16 ~~42~~ hours of required inmate participation six days a week, contingent upon available resources.

(2) No change.

(3) Successful participation in all phases of the youthful offender extended day program and successful completion of the offender management plan and reclassification to minimum or community custody will result in an evaluation by the ICT to determine the inmate's eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S. Requests for sentence modification will not be made before successful completion of the extended day program.

(a) through (h) No change.

(i) If the recommendation is approved by the sentencing judge, the community corrections office shall send the certified court order to the Bureau of Sentence Structure and Population Management for the inmate to be released through the department's release procedures.

(j) If the judge disapproves the modification request, the community corrections office that handled the modification request shall notify the chief of the Bureau of Classification and Central Records and the ICT. The ICT shall notify the inmate.

Specific Authority 958.11(1) FS. Law Implemented 958.11, 958.12 FS. History--New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Discipline – Terminology and Definitions 33-601.302

RULE NO.:

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

SUMMARY: The proposed rule clarifies that the Contact Card is used to document inmate behavior.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.302 Inmate Discipline – Terminology and Definitions.

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

(1) No change.

(2) Contact Card – refers to Form DC6-256, a written log used to document aberrant behavior of an inmate. Correctional officers maintain this card in the inmate’s assigned dormitory. Form DC6-256 is incorporated by reference in paragraph 33-601.313(1)(c), F.A.C.

(3) through (16) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

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

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: To amend Section 4.2.8 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – September 2003” to revise the drainage basins in the environmental resource permitting rules to consider cumulative impacts on a scale of 38 more naturally derived watersheds, which are already adopted by rule in the Basis of Review for Environmental Resource Permits (Figure 4.4-1).

SUMMARY: The proposed rule amendment will consolidate drainage basins for purposes of cumulative impact reviews.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 FS.

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

TIME AND DATE: 9:00 a.m., September 8, 2004

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Lori Ojala, District Clerk, (561)682-6297, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Robbins, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6951 or (561)682-6951, e-mail: rrobbins@sfwmd.gov; For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, e-mail: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) No change.

(a) "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ September, 2003".

(b) through (k) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: November 15, 2004

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 4-6-03, 4-14-03, 9-16-03, _____.

(The following represents proposed changes to section 4.2.8 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – September, 2003" incorporated by reference in Rule 40E-4.091, F.A.C.)

4.2.8 Cumulative Impacts

Pursuant to paragraph 4.1.1(g), an applicant must provide reasonable assurances that a regulated activity will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the regulated activity for which a permit is sought. The impact on wetlands and other surface waters shall be reviewed by evaluating the impacts to water quality as set forth in subsection 4.1.1(c) and by evaluating the impacts to functions identified in subsection 4.2.2. If an applicant proposes to mitigate these adverse impacts within the same drainage basin as the impacts, and if the mitigation fully offsets these impacts, the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface water, and consequently the condition for issuance in section 4.1.1(g), will be satisfied. For purposes of performing a cumulative impact analysis, drainage basins shall be those depicted on Figure 4.4-1. The drainage basins within the District are identified on Figure 4.2.8-1.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert G. Robbins, Director, Natural Resource Management Division, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Definitions RULE NO.: 61G15-18.011

PURPOSE AND EFFECT: This rule is being amended to delete obsolete terminology, update and clarify terminology pursuant to Chapter 471, F.S., as it relates to being in responsible charge of engineering decisions in the practice of professional engineering.

SUMMARY: This rules sets forth the meaning of the terminology used in the professional engineering rules to determine if an engineer is in responsible charge of engineering decisions.

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: 471.003(2)(f), 471.008, 471.013(1)(a)1.,2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(6), 471.013(1)(a)1.,2., 471.025(3), 471.033(1)(j) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Acting Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-18.011 Definitions.

As used in Chapter 471 and in these rules where the context will permit the following terms have the following meanings:

(1) "Responsible Charge" shall mean that degree of control an engineer is required to maintain over engineering decisions made personally or by others over which the engineer exercises supervisory direction and control authority. The engineer in responsible charge is the Engineer of Record as defined in subsection 61G15-30.002(1), F.A.C.

(a) The degree of control necessary for the Engineer of Record ~~an engineer to be in responsible charge~~ shall be such that the engineer:

1. Personally makes engineering decisions or reviews and approves proposed decisions prior to their implementation, including the consideration of alternatives, whenever engineering decisions which could affect the health, safety and welfare of the public are made. In making said engineering decisions, the engineer shall be physically present or, if not physically present, be available in a reasonable period of time, through the use of electronic communication ~~devices, devises,~~ such as electronic mail, videoconferencing, teleconferencing, computer networking, or via facsimile transmission ~~be available in a reasonable period of time.~~

2. No change.

(b) Engineering decisions which must be made by and are the responsibility of the Engineer of Record ~~engineer in responsible charge~~ are those decisions concerning permanent or temporary work which could create a danger to the health, safety, and welfare of the public, such as, but not limited to, the following:

1. through 4. No change.

(c) As a test to evaluate whether an engineer is the Engineer of Record, ~~in responsible charge~~, the following shall ~~must~~ be considered:

1. The engineer shall ~~An engineer who signs and seals engineering documents in responsible charge must~~ be capable of answering questions relevant to the engineering decisions made during the engineer's work on the project, in sufficient detail as to leave little doubt as to the engineer's proficiency for the work performed and involvement in said work. It is not necessary to defend decisions as in an adversary situation, but only to demonstrate that the engineer in responsible charge made them and possessed sufficient knowledge of the project to make them. Examples of questions to be answered by the engineer could relate to criteria for design, applicable codes and standards, methods of analysis, selection of materials and systems, economics of alternate solutions, and environmental considerations. The individuals should be able to clearly define the span and degree of control and how it was exercised and to demonstrate that the engineer was answerable within said span and degree of control necessary for the engineering work done.

2. The engineer shall be completely in charge of, and satisfied with, the engineering aspects of the project.

3. The engineer shall have the ability to review design work at any time during the development of the project and shall be available to exercise judgment in reviewing these documents.

4. The engineer shall have personal knowledge of the technical abilities of the technical personnel doing the work and be satisfied that these capabilities are sufficient for the performance of the work.

(d) No change.

(2) through (5) No change.

Specific Authority 471.003(2)(f), 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(6), 471.013(1)(a)1., 2., 471.025(3), 471.033(1)(j) FS. History--New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLES: RULE NOS.:
Definitions 64B-5.001

Submission of Program Information, Submission of Licensee Program Completion Data, Licensee Self-Submission, Address 64B-5.002

PURPOSE AND EFFECT: Subsection 456.025 (7), Florida Statutes, provides a mandate to the Department of Health to implement an electronic continuing education (CE) tracking system for each biennial licensure renewal cycle for which electronic renewals are implemented, and to integrate such system into the department's existing licensure and renewal systems. All approved continuing education providers are required by statute to provide information on program attendance to the department necessary to implement the electronic CE tracking system, and the department by rule is to specify the form and procedures by which such information is to be submitted. The purpose and effect of proposed new Rules 64B-5.001 and 5.002, F.A.C., is to implement the Legislature's mandate codified in this subsection of Florida Statutes.

SUMMARY: Proposed new Rule 64B-5.001, F.A.C., establishes definitions necessary to implement the electronic CE tracking system rule. Proposed new Rule 64B-5.002, F.A.C., establishes the form and procedures for provider submission of program information and licensee program completion data, and for licensee self-submission of program data. Finally, addresses are provided for the submission of such required information.

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: 456.004(5), 456.025(7) FS.

LAW IMPLEMENTED: 456.013(9), 456.025(7) FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., Tuesday, August 10, 2004

PLACE: Capital Circle Office Complex, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Knepton, Department of Health, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

CONTINUING EDUCATION

64B-5.001 Definitions.

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

(1) “Approved provider” means a person as defined in Section 1.01(3), Florida Statutes, that is required to be approved by a board, or the department when there is no board, to provide continuing education or whose programs are required to be approved by a board, or the department when there is no board.

“Approved provider” also means an institution of higher learning or school that is required to be approved by a board, or the department when there is no board, to provide continuing education or whose programs are required to be approved by a board, or the department when there is no board.

(2) “Continuing education (CE) tracking system” means the Department of Health designated electronic system through which approved providers and licensees submit necessary information on program attendance.

(3) “Program” includes a class, seminar, lecture, presentation, symposium, convention at which continuing education is presented by a professional trade association, self-study or home-study hours, or other activity offered for the purpose of complying with continuing education requirements established in statute or rule approved by the board or the department when there is no board.

(4) “Electronically” refers to the submission of information and data via the Internet.

(5) “Maximum Allowable” refers to the total number of hours that a licensee can possibly earn for attending an approved provider program.

(6) “Hours Earned” refers to the total number of hours that a licensee is awarded during the approved provider program.

(7) “Mandatory Hours” refers to those specific hours, which are designated by law or by board rule, or by rule of the department when there is no board, as mandatory.

Specific Authority 456.004(5), 456.025(7) FS. Law Implemented 456.013(9), 456.025(7) FS. History—New _____.

64B-5.002 Submission of Program Information, Submission of Licensee Program Completion Data, Licensee Self-Submission, Address.

For the purposes of implementing and maintaining the CE tracking system, the following requirements apply:

(1) Submission of program information. Unless otherwise provided by rule of a board or the department when there is no board, prior to the date a program is to be offered, all approved providers must electronically submit the following program information through the CE tracking system: the provider name, the name of the program, when the program is being offered, and the maximum allowable credit hours approved by the board or the department when there is no board according to procedures set forth in the rules of each board or by the department when there is no board. Upon receipt of such information the CE tracking system will assign a program number for the purpose of tracking each continuing education program, or at an approved provider’s request, the CE tracking system can use a program number convenient to and assigned by the approved provider or a board. Program information can be updated, as necessary, by the approved provider up until the day the program is offered.

(2) Submission of licensee program completion data: licensee self-submission.

(a) All approved providers shall submit licensee program completion data through the CE tracking system within ninety (90) days of program completion, unless otherwise provided by rule of a board or the department when there is no board. Required information includes the provider number, the program name, the number for the program assigned by the CE tracking system or the number provided to the CE tracking system by the approved provider or a board, the date the program was completed and the license numbers of licensees who participated in the program. The approved provider may submit the total hours earned during the program by each licensee without specifically delineating the individual courses or lectures constituting the total. The approved provider shall specifically list the licensee’s completion of any subject hours mandated by law.

(b) Such licensee program completion data shall be submitted electronically through the CE tracking system by using either the designated spreadsheet format, the designated text file format, entering the data directly to the CE tracking system, using a compatible format, or through submission of the scan card which is hereby incorporated by reference and effective _____, all of which are available through the

Department of Health at the internet or street address in paragraph (4) below. The scan card shall contain the appropriate designation for submission of detailed information for each profession's required continuing education and mandatory hours, and shall be completed according to the instructions on the scan card.

(c) Licensees may, at their option, self-report any CE hours earned electronically to the internet address in paragraph (4) below. Licensees shall not be charged any fees for electronically self-reporting CE hours through the CE tracking system. A board or the department when there is no board may restrict, by rule, which hours may be self-reported.

(3) An approved provider or licensee who unsuccessfully attempts to electronically submit any information as provided in this rule, has the option of submitting that information in one of the formats specified in paragraph (2) together with a statement regarding the unsuccessful attempted compliance. It must be sent by certified U.S. mail as indicated in paragraph (4). Such submission will meet the requirements of this rule.

(4) Address. All information and data required by this rule shall be submitted electronically to the following Internet address: <https://www.cebroke.com>. For the purposes of paragraph (3), the information may be mailed to the CE Tracking Unit, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, Bin#C00, Tallahassee, FL 32399-3250.

Specific Authority 456.004(5), 456.025(7) FS. Law Implemented 456.013(9), 456.025(7) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy Jones, Director, Division of Medical Quality Assurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Amy Jones, Director, Division of
Medical Quality Assurance
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 12, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 10, 2003

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Exemption of Spouses of Members of Armed

RULE NO.:

Forces from Licensure Renewal Provisions
PURPOSE AND EFFECT: To exempt spouses of members of the Armed Forces from specific license renewal requirements pursuant to the Florida legislature.

64B3-8.006

SUMMARY: The licensee spouse of a member of the military is exempt from renewal requirements while out of Florida, but must notify the Board within six months of their return to Florida or the spouse's discharge from the military. This exemption may continue for the duration of the biennium.

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: 456.024(2), 483.817 FS.

LAW IMPLEMENTED: 456.024(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-8.006 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 shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board. The licensee is required to notify the Board of a change in status within six months of the licensee's return to the State of Florida or the spouse's discharge from active duty. If the change of status occurs within the second half of the biennium, the licensee is exempt from the continuing education requirement for that biennium.

Specific Authority 456.024(2), 483.817 FS. Law Implemented 456.024(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Laboratory
Personnel
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 18, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 2, 2004

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Biennial Renewal of Massage Establishment License

RULE NO.:

64B7-28.002

PURPOSE AND EFFECT: The Board proposes to change the rule to conform it to the biennial licensure renewal periods codified by the Department of Health at subsection 64B-9.001(4), F.A.C., and by the Board of Massage Therapy at Rule 64B7-28.003, F.A.C.

SUMMARY: The rule conforms the biennial renewal month deadline to August 31, of the biennial renewal year.

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: 480.035(7), 480.043(8), 480.044 FS.

LAW IMPLEMENTED: 480.043(8), 480.044(1)(e), 480.067(1)(b) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.002 Biennial Renewal of Massage Establishment License.

All license renewals for massage establishments shall meet the requirements as set forth in Chapter 480, F.S., and these rules. All massage establishments shall renew their licenses on or before ~~August~~ ~~January~~ 31 of each biennial year, according to the fee schedule as set forth in Rule 64B7-27.007, F.A.C., and the insurance coverage requirements of subsection 64B7-26.002(4), F.A.C. If, however, the massage establishment does not renew its license timely, the license shall be considered delinquent. If a massage establishment is operating with a delinquent license, said establishment is in violation of Section 480.047(1)(b), F.S., and is subject to the criminal penalties as provided for in Section 480.047(2), F.S. In order to renew a delinquent license, the massage establishment shall pay the late fee for delinquent renewal in the amount of seventy-five dollars (\$75.00) as set forth in Section 480.044(2), F.S., and the biennial renewal fee as specified in Rule 64B7-27.007, F.A.C.

Specific Authority 480.035(7), 480.043(8), 480.044 FS. Law Implemented ~~480.043(8), 480.044(1)(e), 480.067(1)(b) FS.~~ History—New 11-27-79, Formerly 21L-28.02, Amended 1-7-86, 1-30-90, 1-3-91, Formerly 21L-28.002, 61G11-28.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2004

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Licensure by Examination RULE NO.: 64B8-51.002

PURPOSE AND EFFECT: The Board Proposes to review the rule to determine whether the proposed amendment is necessary.

SUMMARY: Additional requirements for licensure by examination.

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

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

SPECIFIC AUTHORITY: 478.43(1),(4) FS.

LAW IMPLEMENTED: 456.017, 478.45 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE BOARD'S NEXT MEETING TO BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.002 Licensure by Examination.

(1) Every applicant for licensure as an electrologist by examination shall demonstrate to the Council that the applicant:

(a) through (b) No change.

(c) Possesses a high school diploma from a high school accredited by the Florida Department of Education, Southern Association of Colleges and School, or Association of Colleges and Schools, a graduate equivalency diploma, college diploma, university diploma, or technical school diploma if such college, university, or technical school required high school or graduate equivalency diploma for admission.

- (d) through (g) No change.
- (2) through (3) No change.

Specific Authority 478.43(1),(4) FS. Law Implemented 456.017, 478.45 FS. History--New 5-31-93, Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97, 2-17-00, 5-28-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kay Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrolysis Council, Board of Medicine

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
RULE NO.: 64B9-8.006

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the requirements and the disciplinary guidelines for professional profiling and credentialing.

SUMMARY: The proposed rule amendments set forth the disciplinary guidelines and the penalties for failing to verify profile contents within the required 30-day period in Section 456.041(17), Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.072, 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 464.018 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

- (1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

- (a) through (jj) No change.

(kk) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application; or failing to verify the profile contents and to correct any factual errors in his or her profile within the 30-day period.

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

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

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

- (ll) through (zz) No change.

- (4) through (6) No change.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History--New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: RULE TITLE:
12C-1.044 Adjustments to Income
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in the May 14, 2004, issue of the Florida Administrative Weekly (Vol. 30, No. 20, pp. 1978-1980). These changes are in accordance with subparagraph 120.54(3)(d)1., F.S.

Subsection (1) of Rule 12C-1.044, F.A.C., has been changed so that, when adopted, the rule will read:

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

Subsection (4) and the “Law Implemented” statement of Rule 12C-1.044 has been changed so that, when adopted, the rule will read:

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

Law Implemented 95.525, 213.35, 213.37, 213.755(2)(b), 220.21, 220.44 FS.

**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**

Board of Cosmetology

RULE NO.: RULE TITLE:
61G5-24.006 Cosmetologist Reexamination Fee
 NOTICE OF CHANGE

The Board of Cosmetology hereby gives notice that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 25, of the June 18, 2004, issue of the Florida Administrative Weekly. This change is being made in response to comments received from the Joint Administrative Procedures Committee, and when changed the rule shall read as follows:

When the examination for licensure as a cosmetologist is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the reexamination fee shall be fifty dollars (\$50.00), and shall be payable to the Department. When the examination for licensure as a cosmetologist is conducted by a professional testing service pursuant to Section 455.2171, F.S., the reexamination fee shall be twenty-three dollars (\$23.00) which shall be payable to the Department; and, thirteen dollars and fifty cents (\$13.50) per part of the licensure examination to be retaken by the applicant, which shall be payable to the professional testing service.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 North Monroe Street Tallahassee, FL 32399-0783

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from BellSouth Telecommunications, Inc., in Docket No. 040659-TL, filed June 30, 2004, seeking temporary waiver from subsections 25-4.066(2) and (3), F.A.C., which addresses Availability of Service; paragraphs 25-4.070(3)(a),(3)(b) and subsection (5), F.A.C., which addresses Customer Trouble Reports; paragraphs 25-4.073(1)(a),(1)(c) and (1)(d), F.A.C., which addresses Answering Times; subsection 25-4.0770(2), F.A.C., which addresses Customer Appointments; subsection 25-4.040(5) which addresses Telephone Directories and Directory Assistance; paragraphs 25-22.032(4)(b) and (6)(b), F.A.C., Customer Complaints; and Rule 25-4.111, F.A.C., which addresses Customer Complaints and Service Requests.

A copy of the petition can be obtained from: Division of the Commission Clerk and Administrative Services.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 5 days of publication of this notice.

For additional information, please contact: Jeremy L. Susac, Office of the General Counsel, at the above address or telephone (850)413-6199.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on July 9, 2004, South Florida Water Management District (District) received a petition for waiver from the Watergate Condominium Association, Inc., Application No. 04-0605-1 for utilization of Works or Lands of the District known as the C-10 Canal, Broward County for bulkhead and pool deck rehabilitation, existing pool fence, lighting, trees, guardrail, fence and parking within the west right of way of C-10 immediately north of Taft Street, Hollywood, FL, Broward County, Section 9, Township 51 South, Range 42 East. The petition seeks relief from subsections 40E-6.011(4),(5),(6) and paragraph 40E-6.221(2)(j), F.A.C., which governs parking and the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank, and within equipment staging areas within Works or Lands of the District. A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF ELDER AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Department of Elder Affairs received, on April 12, 2004, a petition from Miami-Dade County, Florida, seeking a waiver from the requirement to obtain and maintain private liability insurance coverage for its assisted living facility known as Helen Sawyer Plaza ALF under subsection 58A-2.021(8), Florida Administrative Code. A notice of receipt of petition for variance/waiver was published on April 30, 2004. On July 12, 2004, an Order was issued granting the Petition.

Copies may be obtained from: Susan Avellone, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 28, 2004 the Division of Hotels and Restaurants received a Petition for Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Bankers Bar and Grill located in Cocoa. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees, and shall be located on the same floor of the premises served. They are requesting a variance to not have a bathroom facility on the second floor due to the historical significance of the building and the financial strain of further modification (Petition VW 2004-073).

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 June 29, 2004, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code from New River Pizza II Inc. located in Oakland Park. The above referenced F.A.C. states places serving food or drink on a take-out, carry-out or delivery basis only which provide no seating shall be required to provide a minimum of one bathroom accessible to the public. They are requesting a variance to not add an additional bathroom facility for customer access, instead use public facilities that are neighboring the proposed 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 June 23, 2004, the Division of Hotels and Restaurants received a Petition for Routine Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from Dardas Inc./Ali Baba located in Lauderdale Lakes. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. They are requesting a variance to use a rear entrance to their bathroom facility, which is approximately 330 feet from the front door. The Petitioner is proposing to install a barrier so there is no access to the kitchen by patrons.

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 June 24, 2004 the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6) Florida Administrative Codes from Manny's Lunch and Catering. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air cooking and serving on Mobile Food Dispensing Vehicles.

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 July 8, 2004, Bureau of Elevator Safety received four Petitions for Variance from ASME A.17.1, Sections 100.3a and 101.6 and , ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, Florida Administrative Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Plantation Cove, Ormand Beach (Petition VW 2004-077).

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 July 2, 2004, 2004, Bureau of Elevator Safety received a Petition for Variance 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. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Marina Village/Building A (Petition VW 2004-075).

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Sabiha S. Khadim, M.D. The Notice of Petition for Waiver was published in Vol. 30, No. 13, of the March 26, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 22, 2004, and the Board considered the Committee’s recommendation at its meeting held on June 5-6, 2004, in Tampa, Florida. The Board’s Order, filed on June 24, 2004, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

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

The Board of Medicine hereby gives notice that Petition for Waiver or Variance filed on behalf of Howard D. Palte, M.D., has been withdrawn.

The person to be contacted regarding this Petition is: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Osteopathic Medicine hereby gives notice that it has received a petition for waiver or variance filed on July 13, 2004, on behalf of Donald Gordon, D.O. The petition seeks a waiver or variance from Rules 64B15-12.007 and 64B15-13.001, F.A.C., with regard to the requirements for reactivation of an inactive license to practice osteopathic medicine.

Comments on this petition should be filed with Board of Osteopathic Medicine, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Pamela King, Executive Director, Board of Osteopathic Medicine, at above address or telephone (850)245-4444.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-15.010(1), F.A.C. The Petition was received by the Agency Clerk on June 28, 2004, by Community Based Care of Brevard, Inc., assigned Case Nos. 04-003W. Subsection 65C-15.010(1), F.A.C., requires that agencies beginning operation shall have the capital necessary for six-month period of operation.

A copy of the Petition may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

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

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

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

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an

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

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

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

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

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

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

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters,

environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

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

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

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

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

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

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

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

DEPARTMENT OF STATE

The **Friends of Mission San Luis**, Inc. announces a public meeting to which all person are invited.

DATE AND TIME: Monday, August 2, 2004, 12:00 Noon

PLACE: Mission San Luis, Education Building, 2020 Mission Road, Tallahassee.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include 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. Elyse Cornelison, (850)487-3655

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: August 3, 2004, 3:00 p.m.

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

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

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATES AND TIMES: Thursday, August 5, 2004, 12:00 Noon; Thursday, August 12, 2004, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Sonia Pequignot, (305)401-1502.

DEPARTMENT OF EDUCATION

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: August 11, 2004, 2:00 p.m. – 5:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, 777 Glades Road, Library #214, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-649 Library Remodeling.

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

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT 1(800)955-8770.

The **Commissioner of Education** would like to announce the first meeting of the Career Education Study Task Force to which all interested persons are invited.

DATE AND TIME: August 12, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Broward Community College, 2900 West Oak Ridge Road, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information for the Task Force, discussions on articulation and general business of the Task Force.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Bonnie Marmor, (850)245-9469, at least five calendar days prior to the meeting.

If unable to attend the meeting, the public may call in from 9:00 a.m. – 4:00 p.m. The conference call telephone number is (850)921-6623 or Suncom 291-6623.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meeting to which all persons are invited to participate.

DATE AND TIME: August 2, 2004, 10:00 a.m.

PLACE: Room 210L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive hearing officers report on the public hearing regarding Chapter 9B-72, F.A.C., Product Approval, held July 23, 2004, and to determine subsequent rule amendment action(s) if any. This meeting shall be held utilizing communications media technology, specifically, commissioners may participate by conference call. The point of public access for this meeting is Room 210L in the Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida.

A copy of the agenda may be obtained by sending a request in writing: Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: August 10, 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, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the adoption of amendments to Rule 12-13.004, Florida Administrative Code. Notice of this proposed adoption was published in the Florida Administrative Weekly on June 4, 2004 (Vol. 30, No. 23, pp. 2311-2313).

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

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: August 10, 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, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the adoption of new Rule 12C-1.044, Florida Administrative Code. Notice of this proposed adoption was published in the Florida Administrative Weekly on May 14, 2004 (Vol. 30, No. 20, pp. 1978-1980). A Notice of Change is being published in the July 23, 2004, edition of the Florida Administrative Weekly.

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

The **Department of Revenue**, Property Tax Administration Program announces a tangible personal property life expectancy guidelines public workshop to which all interested persons are invited.

DATE AND TIME: September 9, 2004, 9:30 a.m. – 5:00 p.m. or earlier if business is completed

PLACE: Orlando Public Library, Albertson's Room, 101 E. Central Blvd., Orlando, FL

The Department plans a second workshop in the Ft. Lauderdale area and the location and date will be published in a future notice.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to discuss and to receive public comment on a study on tangible personal property asset lives conducted by Mr. Steve Barreca of Barreca Consulting and Research International, Inc. The study was conducted as a beginning point to assist the Department in updating the Tangible Personal Property Appraisal Guidelines. The study was based on Florida specific data retrieved from approximately 680,000 tangible personal property tax returns filed from 1998 through 2003 in several counties. Assets for utilities or integrated industries, including the electric, cable and telecommunications industries, were not included in the study. The study and the workshop agenda may be found at <http://www.myflorida.com/dor/property/>, then click on the link TPP Depreciation Tables Preliminary Report.

The Department encourages participation in this workshop and invites anyone to share comments or data with the Department prior to and at the workshop. Comments may be submitted prior to the workshop to Sharon Gallops, Florida Department of Revenue, 501 S. Calhoun St., Room 413, Tallahassee, FL 32399-0100 or gallops@dor.state.fl.us. Once received, these comments become public record. In order to share any comments or data with participants at the workshop, the Department requests submission to Ms. Gallops no later than September 6, 2004.

A copy of the agenda or the study may also be obtained from Ms. Gallops.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 4, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 030102-WS – Application for authority to transfer Certificate Nos. 620-W and 533-S in Highlands County from The Woodlands of Lake Placid, L.P. to L. P. Utilities Corporation.

DATES AND TIMES: August 11, 2004, 12:00 Noon; August 12, 2004, 10:00 a.m.

PLACE: Sebring Civic Center, 355 W. Center Avenue, Sebring, Florida (Customer testimony will be taken on August 11, 2004, 10:00 a.m. and 6:00 p.m.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the application for authority to transfer Certificate Nos. 620-W and 533-S in Highlands County from The Woodlands of Lake Placid, L.P. to L. P. Utilities Corporation, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 2, 2004. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C. Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission**, six-month review workshop in Docket No. 000121A-TP scheduled for August 25, 2004, at 9:30 a.m. (EST) in Room 234 of the Betty Easley Conference Center has been **RESCHEDULED**. The workshop will be held at the following time and place:

DATE AND TIME: Thursday, September 2, 2004, 9:30 a.m. (EST)

PLACE: Room 180, Betty Easley Conference Center, 4075 Esplanade Way Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss proposed changes to the Performance Assessment Plan (Plan).

Staff is soliciting comments on proposed changes to BellSouth's current Performance Assessment Plan and requests that any comments on changes to the Plan be filed by July 28, 2004, with the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, (an electronic version should also be provided to Jerry Hallenstein at jhallens@psc.state.fl.us). The comments should specifically address the BellSouth Service Quality Measurement Plan Version 3.00 issued July 1, 2003, and the Self-Effectuating Enforcement Mechanism Administrative Plan Version 2.7 dated June 16, 2003. All parties are encouraged to electronically submit a redline version of both plans.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact Patty Christensen, Office of General Counsel, at the above address or telephone (850)413-6220.

REGIONAL PLANNING COUNCILS

NOTICE OF CANCELLATION – The **Southwest Florida Regional Planning Council** announces that its regular meeting has been canceled:

DATE AND TIME: August 19, 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 September 16, 2004, 9:30 a.m.

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, Indian River and Okeechobee counties may be in attendance.

DATE AND TIME: August 4, 2004, 10:00 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 **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

LOWER WITHLACOOCHEE RIVER TOUR

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

PLACE: 97 Nottingham Lane, Inglis, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour the estuarine system of the lower river to assess habitat health.

WITHLACOOCHEE RIVER BASIN BOARD MEETING
(Note: This meeting, originally scheduled for Tuesday, August 3, 2004, 8:30 a.m., District Headquarters, Brooksville, has been rescheduled to Monday, August 16, 2004, 9:00 a.m., District Headquarters, Brooksville, FL.)

COASTAL RIVERS BASIN BOARD MEETING

DATE AND TIME: Tuesday, August 3, 2004, 1:00 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget.

ALAFIA RIVER BASIN BOARD MEETING

DATE AND TIME: Thursday, August 5, 2004, 9:00 a.m.

PLACE: Temple Terrace City Hall, 11250 North 56th Street, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

DATE AND TIME: Thursday, August 5, 2004, 1:30 p.m.

PLACE: Temple Terrace City Hall, 11250 North 56th Street, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget.

SWFWMD EMPLOYEE MEETING

DATE AND TIME: Monday, August 9, 2004, 8:00 a.m. and 9:30 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Forum for discussion of important issues and tasks facing the District.

SFWMD EMPLOYEE MEETING

DATE AND TIME: Tuesday, August 10, 2004, 1:30 p.m.

PLACE: SFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Forum for discussion of important issues and tasks facing the District.

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING / WORKSHOP

DATE AND TIME: Wednesday, August 11, 2004, 9:00 a.m.

PLACE: Indian Rocks Beach City Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget.

SFWMD EMPLOYEE MEETING

DATE AND TIME: Thursday, August 12, 2004, 8:30 a.m.

PLACE: SFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Forum for discussion of important issues and tasks facing the District.

SFWMD EMPLOYEE MEETING

DATE AND TIME: Thursday, August 12, 2004, 1:30 p.m.

PLACE: SFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Forum for discussion of important issues and tasks facing the District.

PEACE RIVER BASIN BOARD MEETING

DATE AND TIME: Friday, August 13, 2004, 9:30 a.m.

PLACE: SFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday August 3, 2004, 9:00 a.m. – completed

PLACE: SFWMD Fort Lauderdale Field Station, 2535 Davie Road, Davie, FL 33317

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Governing Board Meeting to discuss Land Resource and Regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, (561)682-6371, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, August 9, 2004, 2:00 p.m.

PLACE: Town of Jupiter Community Center, 210 Military Trail, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6880, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Gardenia Banks Long, in the Martin/St.Lucie Service Center, (772)223-2600, Ext. 3617, 210 Atlanta Avenue, Stuart, FL 34994.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, August 10, 2004, 2:00 p.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audit and Finance Committee/Human Resources Committee to discuss and consider Audit and Finance business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, (561)682-6371, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, August 11, 2004, 9:00 a.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, (561)682-6371, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

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

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allocate unspent grant funds to project(s) that are under construction in the C-139 and Western Basins Best Management Practices (BMPs) Grant Program.

A copy of the agenda may be obtained by 1) writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680, or 2) contacting the person below.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Marta Edwards, in the Everglades Regulation Division, (561)682-2928, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4260, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, August 25, 2004, 7:30 p.m. – 9:00 p.m.

PLACE: Mascanosa Youth Center, 250 S. W. 114th Avenue, Sweetwater, FL 33174

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss proposed plans for the construction of a flood mitigation berm along the northern portion of the C-4 canal from S. W. 107th Avenue to S. W. 97th Avenue, and to answer questions relating to right of way encroachments that might interfere with the proposed construction.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/org/exo/mdrsc/index.html>) or (2) by writing to the South Florida Water Management District, Miami-Dade Regional Service Center, 2121 S. W. 3rd Avenue, 6th Floor, Miami, FL 33129.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Audrey Ordenes, Miami Dade Regional Service Center, (305)377-7274, Ext. 7279, Miami-Dade Regional Service Center, 2121 S. W. 3rd Avenue, 6th Floor, Miami, FL 33129.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: September 2, 2004, 8:30 a.m. – completed

PLACE: Sanibel Harbour Hotel, 17260 Harbour Pointe Drive, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Monthly Meeting.

A copy of the agenda may be obtained at the (1) District Website www.sfwmd.gov/gover/wrac/agendas.html or (2) by writing: 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)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Rick Smith, WRAC Facilitator, Governing Board and Executive Services Department, (561)682-6517, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

LAND AND WATER ADJUDICATORY COMMISSION

The Florida **Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

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

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed rule Chapter 42UU-1, F.A.C.,

Concord Station Community Development District. Proposed rule Chapter 42UU-1, F.A.C., which addresses the establishment, boundaries, and board of supervisors of the Concord Station Community Development District, was published in the Florida Administrative Weekly on July 2, 2004, (Vol. 30, No. 27).

For more information about the Cabinet meeting agenda, copies of the proposed rule, or for information concerning special accommodations because of a disability or physical impairment, please contact: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884.

The Florida **Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

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

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed rule Chapter 42VV-1, F.A.C., Tern Bay Community Development District. Proposed Rule Chapter 42VV-1, F.A.C., which addresses the establishment, boundaries, and board of supervisors of the Tern Bay Community Development District, was published in the Florida Administrative Weekly on July 2, 2004, (Vol. 30, No. 27).

For more information about the Cabinet meeting agenda, copies of the proposed rule, or for information concerning special accommodations because of a disability or physical impairment, please contact: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, August 4, 2004, 10:00 a.m.

PLACE: Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority and Public Hearing for the Authority's FY05 Final Budget.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call, (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

The State of Florida, **Long-Term Care Ombudsman Council** announces its next Quarterly Meeting including committee meetings to which interested persons are invited.

Executive Committee

DATE AND TIME: Wednesday, August 4, 2004, 10:00 a.m. – 5:00 p.m. (Check the hotel's Reader Board)

Policy and Procedure Committee

DATE AND TIME: Thursday, August 5, 2004, 2:00 p.m. – 5:00 p.m. (Audrey Bennett's room)

TRAINING: "Drugs/Identity Theft" by Catherine Wynne

DATE AND TIME: Thursday, August 5, 2004, 9:30 a.m. – 12:00 Noon (Check hotel's Reader Board)

Legislative Committee

DATE AND TIME: Thursday, August 5, 2004, 2:00 p.m. – 5:00 p.m. (Jack Murphy's room)

Ways and Means Committee

DATE AND TIME: Thursday, August 5, 2004, 2:00 p.m. – 5:00 p.m. (Grace Rondeau's room)

Coordinator's Training

DATE AND TIME: Thursday, August 5, 2004, 10:00 a.m. – 5:00 p.m. (Check hotel's Reader Board)

State Council's General Session

DATE AND TIME: Friday, August 6, 2004, 8:30 a.m. – 3:00 p.m.

PLACE: Sheraton Suites, 4400 Cypress St., Tampa, FL 33607, (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the Long-Term Care Ombudsman Program.

If anyone should require additional information regarding these events, please call: Office of the Long-Term Care Ombudsman, (850)414-2329.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Division of Health Quality Assurance** announces an exploratory meeting to which all interested persons are invited.

DATE AND TIME: August 19, 2004, 9:30 a.m. – 12:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss issues affecting hospitals' ability to obtain and retain specialist physicians in their emergency rooms. The Agency wishes to fill informational gaps in its knowledge of the issues, including availability of accurate sources to determine the extent of the unmet hospital need for specialty physicians; insurance concerns; legal

constraints attendant to regulation; legislative needs; care quality issues inherent in the lack of specialized care in the emergency room; and any other issues to be raised by the participants. Participation by all interested persons is encouraged.

AGENDA: Open Meeting; Introductions; General Questions; Discussion of the Problems; Development of Strategies and a Work Plan to Resolve the Problems.

CONTACT: Rebecca Knapp or Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, (850)414-9796.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding to the address given on the notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

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

PLACE: Marriott Sawgrass Ponte Vedra Resort, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

Absolute Design, Case No. 2003-086795
 Adler Interior Design Associates, Case No. 2004-002002
 Apple Designs, Inc., Case No. 2003-094589
 Guillermo Aragon, Case No. 2003-084567
 Architectural Designs by East Coast, Case No. 2003-092233
 Architektur, Case No. 2003-081736
 Billy Interior Design, Case No. 2004-007637
 C&G Services Group, Corp., Case No. 2004-017321
 Nadya Chapra, Case No. 2004-007571
 Curl Interiors & Witness Designs, Case No. 2003-092720
 Decorator's Mart, Case No. 2004-021525
 Dimensions, LLC, Case No. 2003-094737
 Eclectic Rooms, Case No. 2003-092184
 Fabric Zoo, Case No. 2003-084820
 Wyland Fowler, Case No. 2004-019776
 Scott Grubbs, Case No. 2003-094736
 Juan Hernandez, Case No. 2003-081759
 J.D. Allen & Associates, Case No. 2003-093350
 Nicholas Jammal, Case No. 2004-004466
 Roger Kress, Case No. 2004-026328
 Nicole Gould Kristmann, Case No. 2004-002058
 Tasuku Ohazama, Case No. 2001-09506

Gregory Richardson, Case No. 2003-092782
Michael Richardson, Case No. 2001-09057
Simmons and Saray Interiors Group, Case No. 2004-001888
Simmons and Saray Interiors Group, Case No. 2004-001895
Sternberg Interiors, Case No. 2003-092760
James Trache, Case No. 2003-083757
Robin Wingate, Case No. 2003-085857
Yeckes Trache Architects, Case No. 2003-083746
Mohammed Zayan, Case No. 2003-078481

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

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 Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: July 27, 2004, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Construction Industry Licensing Board** and the **Building Code Administrators and Inspectors Board** will hold the following meetings to which all interested parties are invited.

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

PLACE: DoubleTree Grand Key Resort, 3990 South Roosevelt Blvd, Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Construction Industry Licensing Board will be hosting a joint meeting with the Building Code Administrators and Inspectors Board to discuss issues that affect both boards. The meeting will take place at 10:00 a.m.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039 or the Building Code Administrators and Inspectors Board.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, September 8, 2004, 2:00 p.m.; Thursday, September 9, 2004, 8:00 a.m.; Friday, September 10, 2004, 8:00 a.m.

PLACE: Embassy Suites Orlando Downtown, 191 East Pine Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited:

DATE AND TIME: Wednesday, August 4, 2004, 8:00 a.m.

PLACE: Ritz-Carlton Palm Beach, Colonnade Room, 100 South Ocean Boulevard, Manalapan, Florida 33462

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants and to take up any old or new business of the Board and or Committees.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul Martin, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business which all persons are invited.

DATES AND TIME: Thursday, August 5, 2004, 8:30 a.m.; continuing Friday, August 6, 2004, 8:30 a.m., if the business of the Boards is not concluded

PLACE: Palm Beach County Convention & Visitors Bureau, 650 Okeechobee Boulevard, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road., Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul Martin, (850)521-0500.

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**, Juvenile Justice and Delinquency Prevention State Advisory Group announce a meeting.

DATES AND TIME: August 26-27, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: Don Shula's Hotel, 6842 Main Street, Miami Florida 33014

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the State Advisory Group.

A copy of the agenda may be obtained by calling: Ana Valdes, Office of Prevention and Victim Services, (850)410-2577.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Department of Juvenile Justice, Office of Prevention and Victim Services, (850)488-3302, no later than (7) days prior to the meeting at which such special accommodation is required.

DEPARTMENT OF HEALTH

The **Workgroup on Mammography Accessibility** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, August 5, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

DATE AND TIME: Thursday, September 2, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

DATE AND TIME: Thursday, October 7, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

DATE AND TIME: Thursday, November 4, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

DATE AND TIME: Thursday, December 2, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Workgroup on Mammography Accessibility will study issues and make recommendations to protect Floridians' availability

utilization, access to quality and affordable mammography services. The Workgroup on Mammography Accessibility shall study the relevant issues and make written recommendations and/or propose legislation. The study shall include, but need not be limited to, examining the following factors that impact availability utilization, quality, and cost: reimbursement fees, copayment fees paid by patients, incidence of lawsuits filed, equipment and liability insurance costs and insurance availability, equipment maintenance and calibration, staffing requirements and training, type and number of facilities performing mammography, facilities surveyed by the Bureau of Radiation Control of the Department of Health, population density of females aged 40 and older in each county, and other factors that relate to the demand and availability of mammography services; the need for research and educational facilities, including facilities with institutional training programs and community training programs for doctors of radiological medicine at the student, internship, and residency levels; the availability of resources, including health personnel and management personnel for mammography programs. The patient-wait times for screening and diagnostic mammography. A report of such recommendations and/or proposed legislation shall be submitted by December 15, 2004, to the Governor, the President of the Florida Senate and the Speaker of the House of Representatives, and legislative committees which provides the findings of the workgroup and recommendations for Legislative action.

To aid its study of the issues and the development of its recommendations, the Workgroup on Mammography Accessibility shall take public testimony from experts and stakeholders. In addition, the Workgroup on Mammography Accessibility is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, legal, insurance and other issues involved.

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 Karen Eaton, Executive Director, Mammography Accessibility Workgroup, (850)245-4740, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Eaton using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this meeting, they will need a record of proceedings, and for such purposes, 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 based.

The Florida **Department of Health**, Drug Wholesaler Advisory Council will have a conference call to which all interested persons are invited.

DATE AND TIME: Thursday, August 12, 2004, 9:30 a.m. – 11:00 a.m.

PLACE: Call-in number is (850)921-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include: Welcome/Introductions; Approval of Minutes from May 20, 2004 Meeting; Old Business-Revised Criteria Form; New Business; Open Discussion; Next Meeting Date-November 16.

Please contact: Maxine Wenzinger, (850)922-5190, if you have any questions.

The **Department of Health, Board of Dentistry** will hold a Probable Cause Panel meeting where reconsiderations will be heard:

DATE AND TIME: August 6, 2004, 9:30 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, August 5, 2004, 6:00 p.m.

PLACE: Ramada Inn and Conference Center, 2900 N. Monroe Street, Tallahassee, Florida

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 Nursing**, South Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: August 26, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Nursing Home Administrators** announces a General Board meeting to which all interested persons are invited.

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

PLACE: The Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve applications, review rules, conduct disciplinary proceedings, and general business of the Board.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators,

(850)245-4291, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need 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 made.

The Florida **Board of Osteopathic Medicine** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Thursday, August 12, 2004, 5:00 p.m. or shortly thereafter; Friday, August 13, 2004, 9:00 a.m. or shortly thereafter; and Saturday August 14, 2004, 9:00 a.m. or shortly thereafter

PLACE: Tampa Hyatt Regency, 6200 Courtney Campbell Causeway, Tampa, FL 33607, (813)874-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Podiatric Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, August 6, 2004, 9:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa 33607, (813)879-5151

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 Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/podiatry/pod_home.html.

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Thursday, August 19, 2004, 2:00 p.m. or soon thereafter

PLACE: Tampa Hyatt Regency, 6200 Courtney Campbell Causeway, Tampa, FL 33607, (813)874-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review current laws and rules.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board 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.

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Tuesday, August 20, 2004, 9:00 a.m. or soon thereafter

PLACE: Tampa Hyatt Regency, 6200 Courtney Campbell Causeway, Tampa, FL 33607, (813)874-1234 or via conference call Meet Me Number: (850)410-0966 or Suncom 210-0966

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 Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board 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.

The Florida **Department of Health**, Bureau of HIV/AIDS announces a public meeting to which all persons are invited.

DATE AND TIME: August 4, 2004, 5:15 p.m. – 6:30 p.m.

PLACE: Hilton Fort Lauderdale/Sunrise, 3003 N. University Drive, Sunrise, Florida 33068

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to 42 U.S. Code Sec. 2617(b)(3)(A), the public health agency that administers the Ryan White Title II C.A.R. E. grant must conduct a public meeting concerning the use and distribution of funds from the grant. All persons, including representatives of city and county governments, health officials, and public and private community organizations are invited to attend. To reserve a speaking time or to obtain information, please call: David Poole or Lucretia Jones, (850)245-4335 or Suncom 205-4335.

Note: All speakers are requested to provide a written copy of their presentation to a representative from the Department of Health, Bureau of HIV/AIDS at the meeting.

The Florida **Department of Health** announces a meeting of the Florida KidCare Coordinating Council to which all persons are invited:

DATE AND TIME: Friday, August 6, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Rooms C/D, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Friday, August 6, 2004, 1:00 p.m. – 4:00 p.m. in Tallahassee to discuss Florida KidCare, the state children's health insurance program. The Council is charged with making recommendations to the Department, the Governor and the Legislature, as well as other state government groups about possible changes and adjustments to

the Florida KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change, or Congressional action.

A copy of the agenda may be obtained from: Gail Vail, Department of Health, (850)245-4444, Ext. 2238, e-mail: Gail_Vail@doh.state.fl.us

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services, Mental Health Program Office** will be conducting a 2nd public hearing to receive comments on the draft application of the Federal Community Mental Health Services Block Grant.

DATE AND TIME: Wednesday, August 4, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Children and Family Services, Mental Health Program Office, 1317 Winewood Boulevard, Building 6, 2nd Floor, Conference Room A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to obtain public feedback regarding the contents of the application to be submitted to the Substance Abuse and Mental Health Services Administration.

Contract Person: Anthony Provenzano, 1317 Winewood Boulevard, Building 6, Room 299, (850)921-0883, Suncom 291-0883, e-mail: Anthony_provenzano@dcf.state.fl.us

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the following Board of Commissioners meeting to which all interested parties are invited:

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

PLACE: Venice City Hall, 401 West Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District.

A copy of the agenda for this meeting may be obtained by writing: WCIND, P. O. Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all interested persons are invited:

DATE AND TIME: July 30, 2004, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments and suggestions from interested persons relative to Rule Chapters 67-21 and 67-48, F.A.C., and the competitive funding programs of the Corporation, including the Multifamily Mortgage Revenue Bond Program, the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME Rental) Program, and the Housing Credit (HC) Program.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission** announces a public meeting of the Florida Wildlife Magazine Advisory Council, to which all interested persons are invited:

DATE AND TIME: July 30, 2004, 9:00 a.m.

PLACE: Florida Fish and Wildlife Conservation, Commission, Bryant Building, Room 272, 620 South Meridian Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To organize the Florida Wildlife Magazine Advisory Council, discuss editorial vision and business operation prior to resuming publication of Florida Wildlife Magazine.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, Office of Community Relations, Connie Lord, Marathon Building, Suite 101, 2574 Seagate Drive, Tallahassee, FL 32301, (850)488-4676.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling the ADA Coordinator, (850)488-6411.

If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

DEPARTMENT OF FINANCIAL SERVICES

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: August 26, 2004, 10:00 a.m. – 5:00 p.m.
 PLACE: Hilton Miami Airport, 5101 Blue Lagoon Drive, Miami, FL 33126, (305)262-1000 – Direct, 1(800)Hiltons – Toll Free (\$99/night, The cut-off date for reservations is July 26th)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person 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.

TO OBTAIN FURTHER INFORMATION CONTACT: LaTonya Bryant, Administrative Assistant I, Division of Consumer Services, 200 East Gaines St., Tallahassee, FL 32399-0361, (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: August 10, 2004, 9:00 a.m., during a regular meeting of the Financial Services Commission

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

SUBJECT MATTER TO BE CONSIDERED: Amendments to Rule Chapter 690-186, Florida Administrative Code, Title Insurance, published on April 30, 2004, in Vol. 30, No. 18, of the Florida Administrative Weekly. The amendments address junior loan title insurance.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting: Eric Lingswiler, (850)413-5310, e-mail: LingswilerE@dfs.state.fl.us.

JUSTICE ADMINISTRATIVE COMMISSION

The Article V, **Indigent Services Advisory Board** announces three meetings to which all interested parties are invited to participate.

DATE AND TIME: July 30, 2004, 12:30 p.m.

PLACE: Via Teleconference – (850)921-6623

DATE AND TIME: August 5, 2004, 1:00 p.m.

PLACE: Justice Administrative Commission, City Centre Building, 227 N. Bronough Street, Suite 2100, Tallahassee, Florida 32301

DATE AND TIME: August 19, 2004, 2:00 p.m.

PLACE: Via Teleconference – (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meetings/Revisions to Initial Recommendations.

In conjunction with the Americans with Disabilities Act, please call (850)488-2415, if special accommodations are needed. For TDD service, please use Dual Party Relay System, 1(800)955-8771.

ADVOCACY CENTER

The **Advocacy Center**, Inc., Florida's Protection and Advocacy Programs will be holding their Quarterly Board of Directors meeting to which all interested persons are invited.

DATES AND TIME: July 30-31, 2004, 3:00 p.m.

PLACE: Palms South Beach Hotel, Queen Palm Room, 3025 Collins Avenue, Miami Beach, Florida 33140

For additional information, please contact: Dawn D. Williams, (850)488-9071, Ext. 218.

FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces its Board of Directors Meeting to which all persons are invited to attend.

DATE AND TIME: August 2, 2004, 10:00 a.m.

PLACE: DoubleTree Guest Suites, 3050 North Rocky Point Drive, West, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Please contact Amber Floyd, floyda@healthykids.org or (850)224-5437, to confirm your attendance and for additional meeting information.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

The Florida **Developmental Disabilities Council**, Inc. announces the following Partners in Transition workgroups meetings.

CONNECTING ACTIVITIES WORKGROUP

DATES AND TIMES: August 2, 2004, 12:00 Noon – 4:00 p.m.; August 3, 10:30 a.m. – 4:00 p.m.

PLACE: Tallahassee, Florida

PREPARATORY ACTIVITIES WORKGROUP

DATE AND TIME: September 13, 2004, 11:00 a.m. – 4:00 p.m.; September 14, 2004, 9:00 a.m. – 3:00 p.m.

PLACE: Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings are related to the development of a statewide strategic plan on transition.

For more information please call or write: Tara Thompson, DARES/CFS/FMHI, University of South Florida, MHC 2113A, 13301 N. Bruce B. Downs Blvd., Tampa, FL 33612, (813)974-4581.

If you need an accommodation because of a disability in order to participate, please notify Tara Thompson in writing at the above address at least seven days prior to the meeting.

FLORIDA BLACK BUSINESS INVESTMENT BOARD

The Recertification Task Force will hold its committee meeting, the **Florida Black Business Investment Board, Inc.** (FBBIB) and the Florida Black Business Support Corporation (FBBSC) will hold their Board of Directors' meetings to which all interested persons are invited.

DATE AND TIME: Thursday, August 5, 2004, 10:00 a.m.

PLACE: 315 E. Robinson Street, Ste. 100, (FBBIB; FBBSC), Orlando, FL 32801

DATE AND TIME: Thursday, October 14, 2004, 10:00 a.m. – 4:00 p.m. (RTF)

PLACE: 315 E. Robinson Street, Ste. 100, Orlando, FL 32801

DATE AND TIME: Thursday, November 4, 2004, (FBBIB; FBBSC), 10:00 a.m.

PLACE: 315 E. Robinson Street, Ste. 100, Orlando, FL 32801
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Board's operations, to identify areas for future Board priorities, loan, audit, and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, Inc., 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB Office, (850)487-4850 at least seven (7) days prior to the meeting.

AREA AGENCY ON AGING

The **Mid-Florida Area Agency on Aging, Inc.**, announces a public hearing to which all persons are invited to attend.

DATE AND TIME: Thursday, August 5, 2004, 2:00 p.m.

PLACE: Florida Farm Bureau Building Auditorium, 5700 S. W. 34th St., Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Mid-Florida Area Agency on Aging, Inc., (MFAAA) is seeking public comment on the agency's plan to provide certain direct

services under the Older Americans Act. Section 307(a)(8)(A) of the Older Americans Act permits the State Agency on Aging to allow Area Agencies on Aging to provide direct services under certain circumstances. The MFAAA plans to request a waiver from the State Agency on Aging, the Department of Elder Affairs, to directly provide limited direct services related to the functions of an Aging Resource Center. A summary of the comments received will accompany the waiver request to the Department of Elder Affairs.

To obtain additional information about this public hearing, please contact: Vidya R. Hogan, Mid-Florida Area Agency on Aging, Inc., 5700 S. W. 34th Street, Suite 222, Gainesville, FL 32608, (352)378-6649, e-mail: vhogan@mfaaa.org.

Persons with disabilities may request assistance by contacting the Mid-Florida Area Agency on Aging, (352)378-6649.

FLORIDA HIGHER EDUCATION FACILITIES FINANCING AUTHORITY

The **Florida Higher Education Facilities Financing Authority** will hold a telephone conference on:

DATE AND TIME: Friday, August 6, 2004, 9:00 a.m.

PLACE: Call (850)681-3188 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss consideration of Saint Leo University Series 2004 bond issue and to conduct regular board business.

For more information or to obtain a copy of the agenda, please contact: Jennifer Mock, Independent Colleges & Universities of Florida, 111 South Monroe St., Ste. 2000A, Tallahassee, Florida 32301, (850)681-3188.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling: Jennifer Mock, (850)681-3188.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: August 11, 2004, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

CRIMINAL JUSTICE TRAINING COUNCIL

The **Criminal Justice Standards and Training, Region X Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: August 18, 2004, 9:30 a.m.

PLACE: Punta Gorda Police Dept., 1410 S. Tamiami Trail, Punta Gorda, FL 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Agenda: Old Business, 2004-05 Class offerings/Class updates,
 New Business, Election of three vacancies for Council
 Members, Other Items of Interest, Adjourn.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Sarasota County, on February 13, 2004. It was assigned the number DCA04-DEC-040.

The Commission determined that it is not the intent of the Florida Building Code to regulate the annual inspection and testing of backflow prevention devices and assemblies after the certificate of occupancy has been issued by the local building department.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Al Roettger of Broward Hurricane Wrol-up, on March 9, 2004. It was assigned the number DCA04-DEC-051. The Commission determined that a local jurisdiction is only authorized to obtain proof of state approval for products that have previously obtained statewide approval and which are being used in a manner consistent with limitations identified by Statewide Product Approval. Petitioner is not required to submit signed and sealed drawings of such products. A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Miami-Dade County Building Department, on March 31, 2004. It was assigned the number DCA04-DEC-064.

The Commission dismissed the declaratory statement and is without authority to resolve a conflict between the Florida Fire Prevention and the Florida Building Code. Such a conflict is resolved pursuant to Section 553.73(9), Florida Statutes (2003).

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Close It!, L.L.C., on March 15, 2004. It was assigned the number DCA04-DEC-066.

The Commission determined that the self-closing, self-latching door closing product is not listed in subsection 9B-72(29), Florida Administrative Code, and is therefore not covered under the State Product Approval System.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from John K. McCall, Ph.D., PE., on March 19, 2004. It was assigned the number DCA04-DEC-067.

The Commission determined that a structure designed as partially enclosed and located in the 130 mile per hour wind borne debris region, exposure C, is not required to have an impact resistant covering per Section 1606.1.4, Florida Building Code, Building Volume, since the project is designed as partially enclosed resisting internal pressure.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Palm Beach County, Building Code Building Division, on March 22, 2004. It was assigned the number DCA04-DEC-069.

The Commission provided direction and clarification to the Petitioner concerning local implementation of the statewide system of product approval adopted in Chapter 9B-72, Florida Administrative Code.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Ruffin Building Systems, on March 24, 2004. It was assigned the number DCA04-DEC-070.

The Commission determined that custom fabricated buildings in accordance with Section 553.842(11), Florida Statutes (2003), do not require separate approval for individual buildings per Chapter 9B-72, Florida Administrative Code. However, certain structural components are subject to the requirements of Chapter 9B-72, Florida Administrative Code.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Miami-Dade County Building Department, on December 5, 2003, amended on March 26, 2004 and supplemented on April 14, 2004. It was assigned the number DCA03-DEC-325.

The Commission determined that a conditioned space located beneath an insulated roof is not an attic, and that this conditioned space may share the air-conditioning system used to air-condition the building or residence.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Florida Office of Insurance Regulation has issued an order disposing of the petition for Declaratory Statement filed by the law firm of Kurzban, Kurzban, Weinger & Tetzeli, P.A. on behalf of the Phineas Corporation on May 19, 2004. The following is a summary of the agency’s disposition of the petition: The “PETITION FOR DECLARATORY STATEMENT FROM THE FLORIDA DEPARTMENT OF INSURANCE, THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES AND THE OFFICE OF INSURANCE REGULATION PURSUANT TO F.S. §120.565” was dismissed based upon pending litigation.

**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

INVITATION TO BID

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
Facilities Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the Project Architect, Randy Lewis, Manausa Lewis & Dodson Architects, (850)385-9200.

Bid Number: FAC 55-04
Keen Building Reroofing

Purchasing Agent: B. J. Lewis, Facilities
Prequalification packages may be picked up from the Architect's office, 211 John Knox Road, Suite 105, Tallahassee, Florida 32303, and should be filled out and returned to the Architect at the MANDATORY JOBSITE VISIT at 9:30 a.m. on August 17, 2004. Plan to meet at the Plaza Fountain, east entry of the Keen Building.

Public Bid Opening: August 26, 2004, 2:00 p.m. (EDT)
FSU-Facilities Maintenance
116 Mendenhall Hall, Building A
Tallahassee, Florida 32306-4150
Facilities Maintenance Purchasing

Bid Documents: Tear off of existing gravel BUR and insulation; install two-ply modified bitumen roofing system with tapered insulation system, install new roof drains, raise exhaust fans, and apply waterproof coating on masonry screen walls and parapets.

INVITATION TO BID

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
Facilities Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the Project Architect, Randy Lewis, Manausa Lewis & Dodson Architects, (850)385-9200.

Bid Number: FAC 56-04
Ruby Diamond Auditorium Reroofing

Purchasing Agent: B. J. Lewis, Facilities
Prequalification packages may be picked up from the Architect's office, 211 John Knox Road, Suite 105, Tallahassee, Florida 32303, and should be filled out and returned to the Architect at the MANDATORY JOBSITE VISIT at 9:30 a.m. on August 17, 2004. Plan to meet at the main (East) entry of the Westcott Building.

Public Bid Opening: August 31, 2004, 2:00 p.m. (EDT)
FSU-Facilities Maintenance
116 Mendenhall Hall, Building A
Tallahassee, Florida 32306-4150
Facilities Maintenance Purchasing

Bid Documents: Reroof work includes removing existing single ply modified bitumen membrane to the lightweight concrete deck; installing mailed base sheet and two plies modified bitumen roofing and flashing system; installing new roof drains; waterproofing and sealing cast stone coping.

INVITATION TO BID

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
Facilities Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the Project Architect, Randy Lewis, Manausa Lewis & Dodson Architects, (850)385-9200.

Bid Number: FAC 57-04
WFSU Broadcast Center Reroofing

Purchasing Agent: B. J. Lewis, Facilities
Prequalification packages may be picked up from the Architect's office, 211 John Knox Road, Suite 105, Tallahassee, Florida 32303, and should be filled out and returned to the Architect at the MANDATORY JOBSITE

VISIT at 1:30 p.m. on August 17, 2004. Plan to meet at the front entry of the WFSU Broadcast Center, 1600 Red Barber Plaza, Tallahassee, Florida

Public Bid Opening: September 2, 2004, 2:00 p.m. (EDT)
 FSU-Facilities Maintenance
 116 Mendenhall Hall, Building A
 Tallahassee, Florida 32306-4150
 Facilities Maintenance Purchasing

Bid Documents: Reroofing work includes tear off of existing gravel surface CUR system to gypsum deck; install a two ply modified bitumen membrane and flashing system with a tapered insulation system and metal coping, raise HVAC equipment, and relocate satellite dishes and antennae.

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-280

Project and Location: New Classroom Building,
 Main Campus
 Florida State University,
 Tallahassee, Florida

The project consists of the construction of a new general purpose classroom building to be constructed on the old Stulz pool site. Construction will include large auditorium/lecture hall spaces, large classroom spaces, small classrooms, computer labs, student waiting areas, and other associated support spaces.

The estimated construction cost is \$15,500,000.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and development of the Guaranteed Maximum Price. Multiple GMP's may be required. The development of the GMP is planned at the completion of 50% Construction Documents but may be postponed, at the University's option, until completion of the 100% Construction Documents. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). An early demolition package or other earlier bid packages may be included in the Construction Manager's scope of work. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida State University's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through the website at www.fpc.fsu.edu or by contacting:

Lynetta Mills, Facilities Design & Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile

For further information on the project, contact: Kim Ball, Project Manager, at the address and phone listed above.

Six bound copies of the required proposal data shall be submitted. Submittals must be received at the address listed above by 2:00 p.m., local time, on Friday, August 20, 2004. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida A & M University (FAMU) announces that Professional Services in the discipline of Architecture will be required for the following: Project No.: FM-305, Development Research School (DRS), Phase One (PH-1), Florida A & M University, Tallahassee, Florida.

This will be a multi-phased project comprised of six (6) primary components: 1) K-5 grades, 2) Middle School, 3) High School, 4) Auditorium, 5) Gymnasium; 6) Instructional Media. The project consists of the design and construction of a complete facility to serve K-12 instructional purposes located on approximately forty (40) acres of land. PH-1 will include: 1) Elementary School (K-5 grades), 4) Auditorium and 6) Instructional Media; PH-2 will include: 2) Middle School, 3) High school and 5) Gymnasium. The primary mission of the school is to develop school curricular that emphasizes mathematics, science, computer science, and foreign language within a technologically enhanced environment. Secondly, the school serves as an agency for the dissemination of exemplary teaching practices and training of pre-service teachers throughout the FAMU College of Education. This relationship is further strengthened by the presence of the National Board for Professional Teaching Standards Center located on the FAMU DRS campus. The center serves as a resource for development opportunities and assists candidates inside and outside the DRS community in meeting the rigorous standards for national certification. Corporate collaborations contribute to the development of an educational program designed to evaluate specific programmatic results and the dissemination of information based upon identified goals for school improvement. The new school will replace the existing development research school (an affiliate, a department in the College of Education) located directly across the street from the Gore College of Education complex on the northern part of the FAMU campus.

The estimated construction budget \$19,000,000.

A copy of the Facility Program can be obtained at the requester's expense by calling: Target Copy, (850)224-3007, and ask for the Manager or a Key Operator.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS: Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Professional Qualifications Supplement" (PQS); form is to be obtained from the FAMU Facilities Planning & Construction Office. 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 chartered by the Florida Department of State to operate in Florida.

Submit six (6) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for 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 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement (PQS) forms, descriptive project information, and selection criteria may be obtained electronically from Gene Nicoloso, (850)561-2383, e-mail: eugenio.nicoloso@famuedu or by contacting: Samuel J. Houston, Director, Office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, Phone (850)599-3197, Fax (850)561-2289, e-mail: samuel.houston@famuedu. Submittals must be received in the Office of Facilities Planning and Construction, by 2:00 p.m., local time, on September 1, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Gulf Coast University, on behalf of Florida Gulf Coast University Board of Trustees, announces that Professional Services in the discipline of master planning will be required for the project listed below:

Project No. BR-1039

Project and Location: Campus Master Plan Update 2005, Florida Gulf Coast University, Fort Myers, Florida

Description of Project:

The project consists of updating the current university's comprehensive campus master plan in the following areas: urban design, land use, academic facilities, support facilities, housing, recreation and open space, pedestrian and non-vehicular circulation, transit circulation and parking,

utilities, conservation, capital improvements, architectural and landscape design guidelines, facilities maintenance and coastal management. Emphasis will be directed toward the resolution of goals and objectives regarding components of the comprehensive plan that have illustrated growth over the past five years. The planning effort will continue to preserve the integrity of the original master plan while strategically aligning the University for future growth.

The selected firm may be required to coordinate with local governments and assist the University in the preparation and negotiation of development agreements for concurrency and mitigation, if required. The master plan will be developed in accordance with the State University System "Guideline for the Comprehensive Campus Master Plan System, April 1992."

Instructions:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated February 1999. 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 application 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 chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. 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, subcontract, 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 Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Mr. Jack Fenwick, Director of Facility Planning, 10501 FGCU Blvd. South, Fort Myers, Florida 33965-6565, Phone (239)590-1500, Fax (239)590-1505.

Submittals must be received in the Facilities Planning Office, by 3:00 p.m., local time, on Monday, August 23, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

PUBLIC ANNOUNCEMENT TO CERTIFIED
CONTRACTORS AND PROFESSIONAL
CONSULTANTS FOR DESIGN-BUILD SERVICES

PROJECT NUMBER: FSDB 20050009

PROJECT NAME: Construction of Covered Walkways, Phase 2

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL, 32084-2799

PROJECT DESCRIPTION: The Florida School for the Deaf and the Blind (FSDB) requests qualifications from certified contracting and professional consulting firms to provide Design-Build Services for the construction of a covered walkway system for the protection of blind students from inclement weather. This advertisement is issued to give advance notice of the school's design-build intentions; to allow interested parties to form design-build teams; and to submit letters of interest for this advertised design-build project.

CONSTRUCTION BUDGET: \$1,700,000

FSDB PROJECT MANAGER: Lloyd Jenkins

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE: September 3, 2004, 3:00 p.m.

Firms must be properly licensed to practice their profession in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The short-list selection will be made in accordance with Rule 60D-13.007, F.A.C. Determination of ability shall be based on related building experience, financial capability, scheduling, cost control, office and on-site staff training and experience, information systems, location, past performance, experience and ability of consultants, current workload. Each of these finalists will be eligible for consideration in accordance with Rule 60D-13.009, F.A.C.

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. Letter of interest as one single entity responsible for design and construction under one contract detailing the entity's qualification.
2. Completed Experience Questionnaire and Contractor's Financial Statement – Form DBC-5085 (revised 3/00). This form may be obtained by calling the Department of Management Services, Division of building Construction at (850)487-2824.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, and cost reports.

5. The firm's experience demonstrating performance of similar type of work of similar size complexity.
6. Current State General or Building Contractor License Certification as required under Florida Statutes.
7. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations.
8. A description of the applicant's plan of Minority Business Enterprise and Women-Owned Business Enterprises.
9. References from prior clients received within the last five years.
10. Department of Management Services edition of the Professional Qualifications Supplement (PQS), Form DBC 5112 (revised 2/99).
11. Current Florida Professional Registration License Renewal.
12. For Corporations only, current corporate Certification showing validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
13. Completed SF-254.
14. Completed SF-255.

Applications are to be sent or delivered to the Florida School for the Deaf and the Blind, Attn: Mr. John Connor, 207 N. San Marco Ave., Building #27, St. Augustine, FL 32084-2799.

Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions, or those that do not include the requested data, may not be considered. All information received will be maintained with the project file and will not be returned. Applicants will be short-listed on September 16, 2004. Following the short-list selection, a pre-interview workshop will be held on September 24, 2004 for all short-listed firms. Interviews will be conducted on October 6, 2004. A final selection will be made after the interviews have taken place. Selections will be made in accordance with Chapter 60D-2, Florida Administrative Code.

The selected firm will be given official notice of selection results by FAX and/or mail.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., building #27, St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after the selection. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the Florida Administrative Weekly.

DEPARTMENT OF TRANSPORTATION

INVITATION TO BID

Sealed bids will be received by the Florida Department of Transportation, District Three, in the Administration Building, Procurement Services Conference Room of the District Office Complex, Department of Transportation, 1074 Highway 90, Chipley, Florida. Bids will be publicly opened and read aloud on:

DATE AND TIME: Thursday, August 13, 2004, 1:30 p.m. (Local Time)

PLACE: Florida Department of Transportation, Procurement Services Conference Room, Room 230 of the District Office Complex, 1074 Highway 90, Chipley, Florida 32428

FINANCIAL ITEM NO.: 223167 2 52 01

PROJECT NAME AND LOCATION: District Three Headquarters Generator Replacement/Addition

The project consists of replacement of the existing generator feeding the Administration and Operations Buildings with a new generator and providing a temporary generator, furnishing and installing a new generator for the Planning Building, furnishing and installing a new generator for the Design Building, and interior electrical renovation work in all four buildings to connect the existing lighting, receptacle and AC in certain rooms and/or areas to the new generator panels. Specific electrical work includes providing new panels and associated feeders connected to the new generator and providing branch circuit wiring from existing devices to the new electrical panels and disconnecting it from the normal power panels.

Contract No. E3D91 – 180 days. Approved budget for this project is \$345,400.00.

Orders for drawings, specification, and/or bid documents should be directed to Jeremy W. Vaughn, Professional Services Office, 1074 Highway 90, Chipley, Florida 32428. Phone (850)638-0250, Ext. 364. Proposal documents will not be issued after 1:30 p.m. (Local Time) on Thursday, August 12, 2004. Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Professional Services Office.

*New or first time bidders with the Florida Department of Transportation can request a bid process orientation meeting by calling (850)638-0250, Ext. 364 or by writing: Florida Department of Transportation, Attention: Jeremy W. Vaughn, 1074 Highway 90, Chipley, Florida 32428.

MINORITY PROGRAM: The Department encourages Minority Business Enterprise (MBE) firms to compete for Department contracts, and also encourages non-MBE firms to use MBE firms as sub-contractors. However, the use of MBE sub-contractors is not mandatory and no goals have been established for MBE participation for this project.

Requirements for the projects noted above:

1. **PREQUALIFICATION:** Each bidder shall submit a current applicable State Contractor’s license issued by the State of Florida and, if a Corporation, a copy of the Corporate Charter as prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004. A copy of the rule requirements is included in the Bid Proposal package.
2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to the Florida Department of Transportation, a cashier’s check, treasurer’s check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the furnished proposal forms.
3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount of the contract is required.
4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notices of Intent will be posted at the Professional Services Office, Florida Department of Transportation, Room 250, 1074 Highway 90, Chipley, Florida 32428 on September 2, 2004. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted project can be obtained by calling the Professional Services Office, (850)638-0250, Ext. 364, during the posting period. The right is reserved to reject any or all bids.
5. **BID SOLICITATION / AWARD / NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with

Sections 120.57(3), Florida Statutes, and DOT Rule 14-25 (FAC). The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458, phone number (850)414-5393. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Richard Norris
District Contracts Administrator

INVITATION TO BID

As a General Licensed Contractor, you are invited to submit a sealed bid to be received and publicly opened and read aloud by the Florida Department of Transportation (hereinafter referred to as the Owner) at the following date, location, and local time; August 19, 2004, at 10:00 a.m. (EDST) at the Florida Department of Transportation, District One Contracts Office, 801 North Broadway, MS 1-18, Bartow, Florida 33830.

FINANCIAL PROJECT NO.: 41618515201

CONTRACT NO.: E1E47

PROJECT NAME: Roof Replacement of several buildings at the Bartow Operations Center

PROJECT LOCATION: 2730 Highway 60, West, Bartow, Florida, Polk County

PROJECT DESCRIPTION: This project consists of Roof Replacement of several buildings at the Bartow Operations Center

PRE-BID MEETING: Pre-Bid Meeting will be held on August 11, 2004, at 10:30 a.m. (EDST) at the Bartow Operations Center Office, 2730 Highway 60, West, Bartow, Florida.

PROJECT MANAGER: The Owner’s Project Manager is Wayne Cochran, who may be reached at (863)519-4306.

PLANS AND SPECIFICATIONS: Plans and Specifications may be obtained for review (free of charge) from Evelyn Jan Thompson, Florida Department of Transportation, District One Contracts Office, 801 North Broadway, MS1-18, Bartow, Florida, Phone (863)519-2302 through 10:00 a.m. (EDST) on Wednesday, August 18, 2004. Bid documents will be issued only to the prospective bidders who have completed, signed and faxed a completed Fax Order Form to (863)534-7172 and met the Florida Department of Transportation qualification for this project.

MINORITY BUSINESS ENTERPRISES (MBE) UTILIZATION: The owner encourages the recruitment and utilization of certified and non-certified minority business. The owner, its contractors, suppliers, and consultants should take all necessary and reasonable steps to ensure that minority

businesses have an opportunity to compete for and perform contract work for the Owner in a nondiscriminatory environment.

BID PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions as specified in the Non-Technical Specifications.

INSURANCE: The awarded Bidder is responsible for maintaining the insurance coverage specified in the Non-Technical Specifications for the duration of this project.

PREQUALIFICATION: Each bidder shall submit a current Building or General Contractor license issued by the State of Florida and, if a Florida Corporation, a copy of the Corporate Charter as prequalification of their eligibility with the bid document to the: Department of Transportation, District One Contracts Office, 801 North Broadway Avenue, MS1-18, Bartow, Florida 33830.

The bid will be rejected if a copy of the Contractor's License is not included either with the bid or provided to the Owner prior to the Letting. After the bid opening, the lowest responsive bidder shall qualify in accordance with this contract document.

BID BOND: If the bid amount exceeds \$100,000, the bidder must provide with the bid, a Bid Guaranty of five percent of the actual total bid in the form of a certified check, cashiers check, treasurer's check, bank draft of any national or state bank, or a Surety Bid Bond made payable to the Department of Transportation. A Bid Guaranty in an amount less than five percent of the actual bid will invalidate the bid. Bid Bonds shall conform to the Departments Bid/Proposal Bond Form furnished with the proposal package.

PERFORMANCE BOND AND LABOR AND MATERIALS PAYMENT BOND: If the contract award amount exceeds \$100,000, both a Performance Bond and a Labor and Material Payment Bond of 100 percent each of the contract sum are required at the time of award.

BID POSTING/CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted on Tuesday, September 7, 2004, at the Florida Department of Transportation, District One Lobby; 801 North Broadway, Bartow, Florida 33830. If no protest is filed, the Owner will award the contract to the qualified, responsive low bidder. The Owner reserves the right to reject any or all bids.

BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS: Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents in accordance with Section 120.57(3), Florida Statutes, and Rule Chapter 28-110, Florida Administrative Code. Any person adversely affected by the intended decision of the Owner to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids (bid tabulation). If notice of

intended decision is given by certified mail, express or FAX delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within 10 days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, MS 58, Room 550, General Counsel's Office, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

DISCRIMINATION CLAUSE: Any entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity of the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity, per Section 287.134(3)(a), Florida Statutes.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months for the date of being placed on the convicted vendor list.

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."

REGIONAL TRANSPORTATION AUTHORITIES

INVITATION TO BID NO. 03-192
OVERHAUL OF MODEL GP49 LOCOMOTIVES
ADVERTISEMENT

South Florida Regional Transportation Authority (SFRTA), an Agency of the State of Florida, operates a Seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to enter into an Agreement with a Contractor to provide services for the complete design, overhaul, manufacture, rebuild, installation, delivery, testing and warranting of five (5) SFRTA existing General Motors Corporation-Electromotive Division (EMD) model GP49 locomotives as specified in the Technical Specifications and the option for one (1) additional vehicle. The equipment is to be used in the operation of SFRTA's push-pull passenger train service on the South Florida Rail Corridor (SFRC). The completed vehicles must comply with all applicable standards and practices of the Association of American Railroads (AAR), the Federal Railroad Administration (FRA), the Environmental Protection Agency (EPA), and other applicable laws and/or regulations of the Federal Government and the State of Florida. The completed equipment will be operated on SFRC line and must meet any locomotive requirements of CSXT. The Period of Performance for this project shall not exceed 365 days from Notice to Proceed.

A REQUEST FOR DOCUMENTS should be directed to Bryan Kohlberg, SFRTA, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7910. The cost of the solicitation documents is \$150.00, non-refundable. Checks or money orders, made in favor of SFRTA, should be forwarded to Bryan Kohlberg at the address above. Solicitation documents will be available on or about Monday, July 12, 2004.

A PRE-BID CONFERENCE will be held at SFRTA's Hialeah Rail Yard facility, 9400 N. W. 37 Avenue, Miami, Florida, on Thursday, July 22, 2004, at 10:00 a.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. An on-site inspection of the equipment shall be given at the Pre-Bid Conference. Attendance is not mandatory but is highly recommended.

REQUESTS FOR CLARIFICATION regarding specifications or bid documents must be submitted to SFRTA no less than ten (10) calendar days before the date for Initial Submittals.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m., Thursday, August 12, 2004, at SFRTA's office at 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064. All envelopes must bear the SFRTA provided label which clearly indicates the BIDDER'S NAME, ITB NUMBER, TITLE, AND OPENING DATE.

BID SECURITY in the amount of five percent (5%) of the Bid must accompany each Bid in accordance with the Invitation To Bid.

SFRTA reserves the right to postpone, to accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All bids must remain in effect for One Hundred Eighty (180) days from the date of Bid openings.

NOTIFICATION OF FEDERAL PARTICIPATION: 100% of this project is funded by a grant from the Federal Transit Administration. Any resultant Agreement shall be subject to all federal rules and regulations.

DBE PARTICIPATION: SFRTA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. SFRTA's DBE program goal is 14% of total contract expenditures.

REQUEST FOR PROPOSAL NO. 04-615
LEGISLATIVE CONSULTANT SERVICES FOR THE
TRI-COUNTY REGION AND STATE OF FLORIDA

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

PURPOSE: With the regional implications resulting from the formation of the SFRTA and the increase in the need for legislative and public relations assistance, SFRTA is seeking a tri-county and State of Florida Legislative Consultant to promote the Authority's programs and coordinate activities related to regional transportation planning with local, state, and federal elected officials, the business community and the public. Such activities may include: legislative monitoring and follow up; legislative/public relations advocacy; leadership strategy/networking; legislative/public relations reporting and public participation. The term of the Agreement will be two (2) years with SFRTA's option of extending the term for three (3) additional one-year periods.

A REQUEST FOR DOCUMENTS should be directed to Mr. Robert Becker at SFRTA, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about July 19, 2004.

A PRE-PROPOSAL CONFERENCE will be held in the SFRTA Board Room at the address above on August 3, 2004 at 10:00 a.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED PROPOSALS: All proposals must be received in a sealed envelope no later than 5:00 p.m. on August 24, 2004 at the SFRTA office in Pompano Beach.

SFRTA reserves the right to postpone, to accept, or reject any and all proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All proposals must remain in effect for One Hundred Eighty (180) days from the RFP submission due date.

DBE PARTICIPATION: SFRTA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. SFRTA's DBE program goal is 12% of total contract expenditures.

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSALS

RFP No. 03/04-061WR

Water Use Permitting Information Management Processes and Database Project Proposal

The Suwannee River Water Management District (District) is soliciting proposals for a consultant to assist the District in assessing and improving water use permitting information management and in developing databases that includes both tabular and spatial components. The budget for the project is \$50,000.

A copy of this RFP will be available on July 23, 2004, at www.srwmd.state.fl.us OR requests for the RFP document may be directed to:

Debbie Davidson, Administrative Assistant
 Suwannee River Water Management District
 9225 CR 49
 Live Oak, FL 32060
 (386)362-1001 or 1(800)226-1066 (Florida only)

A mandatory proposers' conference will be held at 1:30 p.m. on Wednesday, August 11, 2004, at District headquarters.

All questions concerning the RFP must be emailed to Debbie Davidson, (386)362-1056 no later than August 13, 2004. To receive responses to questions sent to the District, a REQUEST FOR RESPONSES TO QUESTIONS form, which is the last page of the RFP, or all information requested on the form must be emailed or faxed to the District no later than August 13, 2004. Responses to the questions will be emailed on August 18, 2004, to individuals as outlined in RFP.

The proposals are due at SRWMD headquarters in Live Oak prior to 4:00 p.m., August 25, 2004.

Request for Proposal 03/04-063 LM

Mallory Swamp Wetland Restoration/Site-Prep

The Suwannee River Water Management District is requesting Proposals for work to be completed in Mallory Swamp Wildlife Management Area located in Lafayette County Florida (see attached map). Work will be done to facilitate the District's goal of wetland restoration and will consist mainly of mechanical vegetation control and prescribed burning services.

PROPOSED SCHEDULE

- July 19, 2004 Release of Request for Proposal.
- August 11, 2004 Mandatory Pre-bid meeting at SRWMD headquarters in Live Oak, 10:00 a.m.*
- August 20, 2004 Proposals due prior to 10:00 a.m. at SRWMD headquarters in Live Oak. Opening of proposals at this time and date.*
- August 24, 2004 Final selection of contractor announced.*
- September 14, 2004 Recommendation to SRWMD Governing Board*
- October 1, 2004 Execution of contracts.

Bid documents are available on the District's website at <http://www.mysuwanneeriver.com/services/bids+and+contracts>. Any questions regarding the bid should be addressed to Brian Kauffman or Scott Gregor, (386)362-1001 or 1(800)226-1066 (Florida only).

All proposals must be received at the Suwannee River Water Management District, 9225 CR 49 Live Oak, Florida 32060 prior to 10:00 a.m. August 20, 2004.

Request for Bids 03/04-062 LM

Hunter Check Station Operation

The Suwannee River Water Management District is requesting bids for operating hunter check stations at Mallory Swamp WMA and Steinhatchee Springs WMA in Lafayette County. The bid will be for an annual contract that may, at the option of the District, to be continued for two additional fiscal years if the contractor is successful in providing services and there is no increase in cost.

Bid documents are available on the District's website at <http://www.mysuwanneeriver.com/services/bids+and+contracts>. Any questions regarding the bid should be addressed to Edwin McCook, Public Use Coordinator, (386)362-1001 or 1(800)226-1066 (Florida only).

All bids must be received at the Suwannee River Water Management District, 9225 CR 49 Live Oak, Florida 32060 prior to 2:00 p.m. August 2, 2004.

EXPRESSWAY AUTHORITIES

NOTICE TO CONTRACTORS
ELECTRONIC TOLL COLLECTION SYSTEM
Violation Enforcement System (VES) Lane Camera &
Equipment

The Orlando-Orange County Expressway Authority requires the services of a Violation Enforcement System (VES) Camera Maintenance Contractor to provide the services, parts and equipment generally described in this notice and more specifically in the Scope of Services for the project. The work to be performed under this contract shall include all preventive, corrective and emergency maintenance for servicing 151 Pulnix VES Cameras and associated equipment located throughout the ETC System.

For the full version of this notice with additional information regarding types of work, Request for Proposal submittal requirements, selection process and EEO/M/WBE requirements refer to the Authority's web site at www.expresswayauthority.com, visit the Authority's office at 525 South Magnolia Avenue, Orlando, Florida 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services, District 11, announces a negotiation session with Our Kids of Miami-Dade/Monroe, Inc., Lead Agency for Community Based Care in District 11, in reference to the Phase II Start-up Contract. The session will be held on Friday, July 30, 2004 at 10:00 a.m. – 12:00 Noon as necessary, and will be held in the DA's Conference Room, N1007, 401 N. W. 2 Avenue, Miami, FL 33128. The meeting time and date may be subject to change.

For confirmation, please contact: Peter D. Coats, PIO, (305)377-7018 or Grace Curtis, (305)377-5002.

DEPARTMENT OF MILITARY AFFAIRS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS, LICENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO-201126

ACCOUNTING CODE: NA

PROJECT NAME AND LOCATION: CONSTRUCT LATRINES at CAMP BLANDING JOINT TRAINING CENTER FIRING RANGES, STARKE, FLORIDA

PROJECT DESCRIPTION: Facilities will be approximately 820 sq.ft. each of masonry construction with pre-engineered wood truss/standing seam metal roof system. Interior will consist of masonry partitions, drywall ceilings, and sealed concrete floor. Exterior work will include Handicap parking and accessibility, a 5' concrete sidewalk around new building, a Septic Tank system with drain field, finish grading, and seeding/sodding.

FOR: Department of Military Affairs, Construction & Facility Management Office

MINORITY PROGRAM: Utilization of MBE participation is highly encouraged from all Bidders.

QUALIFICATIONS: General Contractors licensed by the State of Florida.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person, or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BID SECURITY: If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor and Material Payment Bond are not required.

Sealed bids will be received and publicly read aloud on:

DATE AND TIME: September 1, 2004, until 2:00 p.m., local time

PLACE: Robert F. Ensslin Armory Room #439, 2305 State Road 207, Saint Augustine, Florida 32086

PROPOSAL: Bids must be submitted to the Department of Military Affairs, CFMO ATTN: Mr. Mark Watkins, 2305 State Road 207, St. Augustine, Florida 32086, Tel (904)823-0284 in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be examined and obtained, as of July 23, 2004, from EBERT NORMAN & BRADY ARCHITECTS for \$75.00 (non-refundable).

All Technical questions shall be directed to the A/E until close of business August 25, 2004.

ARCHITECT-ENGINEER: EBERT NORMAN BRADY ARCHITECTS, 1361 13th Avenue South, Suite 230, Jacksonville Beach, Florida 32250

TELEPHONE: (904)241-9997, Attn: Tom Norman

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened. In the event that the Bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner. AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.

CITY OF FT. LAUDERDALE

NOTICE TO CONTRACTORS

Sealed bids will be received until 9:00 a.m. on September 1, 2004, in the Office of the City Engineer, Public Services Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for Project 10859 – The General Construction Services Contract(s) being issued under the WaterWorks 2011 Program.

The work includes furnishing all labor, equipment, materials and performing all related operations in connection with the construction of various pipeline projects throughout the City. Projects will include the installation, testing and restoration of pipeline projects including water mains ranging in size from 4 to 24 inches, gravity sewers ranging in size from 6 to 18 inches, force mains ranging in size from 4 to 24 inches and miscellaneous stormwater drainage projects. The City may select up to 4 Contractors to perform this work and may issue up to 4 General Services Construction contracts with a 2 year term based on the 4 most competitive and responsive bids submitted for the basis of award established in the Proposal. Contractor selection will be based on the 4 lowest competitive, responsive and responsible bids to set quantities of work items roughly equal in value to the maximum value of the contract. The maximum value of each contract is \$15,000,000.00, however, each selected Contractor is only guaranteed a minimum allotment of one (1) assignment under the contract with a value of no less than \$500,000.00. The initial and any additional specific project assignments will be issued on a Work Order basis with project values based on the unit prices contained in the executed General Construction Services contract. The City reserves the right to assign quantities of work to contractors based on performance criteria, including but not limited to, ability to meet defined project schedules, ability to pass pressure and construction testing, cooperation with the Owner and community representatives and timely,

satisfactory restoration. The criteria for contractor performance evaluations is included in the Contract Document and Specifications package.

Bidding and Contract Documents with Specifications may be obtained at the Office of the City Engineer.

A pre-bid meeting will be held: August 11, 2004, 1:30 p.m., Program Management Team office, 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. Due to the nature of this contract it is strongly recommended that bidders attend this meeting.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for five percent (5%) of the \$500,000.00 contract minimum or \$25,000.00, made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

The projects will be funded, in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplemental Conditions contained in these documents and in particular, the requirements of Article 20, Equal Employment Opportunity.

The City of Fort Lauderdale reserves the right to waive any informality in any or all and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line, (954)828-5688.

For general inquiries – please call (954)828-5772.

FLORIDA SHERIFFS ASSOCIATION

BID ANNOUNCEMENT

BID NUMBER: 04-12-0823
 BID TITLE: PURSUIT, ADMINISTRATIVE NON-PURSUIT, UTILITY VEHICLES, TRUCKS & VANS, & OTHER FLEET EQUIPMENT

ADVERTISEMENT

DATES: JULY 23, 2004 and JULY 30, 2004

PRE-BID CONFERENCE: AUGUST 4, 2004, 10:00 A.M.

PRE-BID CONFERENCE TO BE HELD AT:

MARION COUNTY
 SHERIFF'S OFFICE
 CONFERENCE ROOM
 692 N. W. 30TH AVENUE
 Ocala, FL 34475-5608

BID OPENING DATE: AUGUST 23, 2004, 8:00 A.M.

BID OPENING TO BE HELD AT:

FLORIDA SHERIFFS ASSOCIATION COOPERATIVE BID COORDINATOR'S OFFICE 2617 MAHAN DR. (32308) P. O. BOX 12519 TALLAHASSEE, FL 32317-2519

BIDS MUST BE CONTAINED IN A SEALED ENVELOPE ADDRESSED TO THE FLORIDA SHERIFFS ASSOCIATION. INDICATE ON THE OUTSIDE OF THE ENVELOPE THE BID NUMBER, TITLE, OPENING DATE AND TIME. ALL DEALERS THAT ARE NOT ATTENDING THE OPENING WILL BE REQUIRED TO HAVE THEIR BIDS TO FSA BY 5:00 P.M. ON FRIDAY, AUGUST 20, 2004. DEALERS WHO WILL BE BRINGING THEIR BIDS MUST HAVE THEM SIGNED IN BY 8:00 A.M. ON MONDAY, AUGUST 23, 2004. THE FSA OFFICE WILL OPEN AT 7:00 A.M. ALL PARTICIPATING DEALERS ARE INVITED AND ENCOURAGED TO ATTEND THE BID OPENING.

ALL QUESTIONS PERTAINING TO THIS BID SHOULD BE DIRECTED TO LYNN MEEK OR PEGGY GOFF WITH THE FLORIDA SHERIFFS ASSOCIATION AT (850)877-2165.

BIDS MUST BE CONTAINED IN A SEALED ENVELOPE ADDRESSED TO THE FLORIDA SHERIFFS ASSOCIATION. INDICATE ON THE OUTSIDE OF THE ENVELOPE THE BID NUMBER, TITLE, OPENING DATE AND TIME. ALL VENDORS THAT ARE NOT ATTENDING THE OPENING WILL BE REQUIRED TO HAVE THEIR BIDS TO FSA BY 5:00 P.M. ON MONDAY, AUGUST 23, 2004. VENDORS WHO WILL BE BRINGING THEIR BIDS MUST HAVE THEM SIGNED IN BY 8:00 A.M. ON TUESDAY, AUGUST 24, 2004. THE FSA OFFICE WILL OPEN AT 7:00 A.M. ALL PARTICIPATING VENDORS ARE INVITED AND ENCOURAGED TO ATTEND THE BID OPENING.

ALL QUESTIONS PERTAINING TO THIS BID SHOULD BE DIRECTED: LYNN MEEK OR PEGGY GOFF WITH THE FLORIDA SHERIFFS ASSOCIATION AT (850)877-2165.

Section XII Miscellaneous

DEPARTMENT OF STATE

The Help America Vote Act (HAVA) State Plan has been revised by the Florida HAVA Planning Committee, and will be posted on the Department of State, Division of Elections' website: http://election.dos.state.fl.us/index.html.

The plan will be posted through 5:00 p.m. on August 13, 2004 for public review and comment.

Comments may be made directly from the website or may be sent to the following address:

HAVA Public Comment Department of State, Division of Elections Room 316, R. A. Gray Building 500 South Bronough Street Tallahassee, Florida 32399-0250

BID ANNOUNCEMENTS

BID NUMBER: 04-05-0824 BID TITLE: FIRE/RESCUE VEHICLES & OTHER FLEET EQUIPMENT ADVERTISEMENT: JULY 23, 2004 and JULY 30, 2004 PRE-BID CONFERENCE: AUGUST 5, 2004, 10:00 A.M. PRE-BID CONFERENCE TO BE HELD AT:

MARION COUNTY SHERIFF'S OFFICE CONFERENCE ROOM 692 N. W. 30TH AVENUE OCALA, FL 34475-5608

BID OPENING DATE: AUGUST 24, 2004, 8:00 A.M. BID OPENING TO BE HELD AT:

FLORIDA SHERIFFS ASSOCIATION COOPERATIVE BID COORDINATOR'S OFFICE 2617 MAHAN DR. (32308) P. O. BOX 12519 TALLAHASSEE, FL 32317-2519

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTION 163.31777(2) AND (3), FLORIDA STATUTES DCA DOCKET NO. 14-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by DeSoto County, the City of Arcadia and the DeSoto County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the School District of DeSoto County; 530 LaSolona Avenue; Arcadia, Florida 34266.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to DeSoto County, the City of Arcadia and the DeSoto County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right now, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
 Chief of Comprehensive Planning
 Department of Community Affairs
 Division of Community Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT
 CONSISTENT WITH SECTION 163.31777(2) AND (3),
 FLORIDA STATUTES
 DCA DOCKET NO. 24-04

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by the City of White Springs and the Hamilton County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the North Central Florida RPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the City of White Springs and the Hamilton County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right now, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
 Chief of Comprehensive Planning
 Department of Community Affairs
 Division of Community Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT
 CONSISTENT WITH SECTIONS 163.3177(2) AND (3),
 FLORIDA STATUTES
 DCA DOCKET NO. 60-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by the City of Wildwood and the Sumter County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S. The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Sumter County School Board, District One, 2680 West County Road 476, Bushnell, Florida 33513.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the City of Wildwood and the Sumter County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right now, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
 Chief of Comprehensive Planning
 Department of Community Affairs
 Division of Community Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT
 CONSISTENT WITH SECTION 163.31777(2) AND (3),
 FLORIDA STATUTES
 DCA DOCKET NO. 63-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by the Town of Raiford and the Union County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S. The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Union County School Board, 55 S.W. 6th Street, Lake Butler, Florida 32054.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the Town of Raiford and the Union County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative

Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right now, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
Chief of Comprehensive Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, American Honda Motor Co., Inc., intends to allow the establishment of Performance New Tampa, Inc. as a dealership for the sale of Honda motorcycles, at 28009 Wesley Chapel Blvd., Zephyrhills (Orange County), Florida 33543, on or after September 20, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Performance New Tampa, Inc. are dealer operator(s): Michael M. Osborn, 889 S. Lake Howard Drive, Winter Haven, FL 33880-3825; principal investor(s): Michael M. Osborn, M. Mark Osborn, Nancy L. Osborn, Matthew Osborn, Mitchell Osborn, C/O Osborn Motorcycles, Inc., 889 S. Lake Howard Drive, Winter Haven, FL 33880-3825.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ray Blank, Vice President, American Honda Motor Co., Inc., 1919 Torrance Blvd., Torrance, CA 90501-2746.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Transnational Outdoor Power, LLC, intends to allow the establishment of Omni Square Inc., as a dealership for the sale of motorcycles at 2460 South McCall, Englewood (Charlotte County), Florida 34224 on or after June 8, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Omni Square Inc. are dealer operator(s): Ryan Blumberg, 2460 South McCall, Englewood, FL 34224; principal investor(s): William Blumberg and Marilyn Blumberg, 160 North Broadway, Englewood, FL 34224.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Brenda Linton, Licensing Specialist, Transnational Outdoor Power, LLC, 1310 South Elmira, Russellville, AR 72801.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Tesco South Inc./Hector Turf, intends to allow the establishment of Bikes, Parts, & Cruisers, Inc., as a dealership for the sale of AlphaSports motorcycles, at 18524 US Hwy. 19, Hudson (Pasco County), Florida 34667, on or after July 26, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Bikes, Parts, & Cruisers, Inc., are dealer operator(s) and principal investor(s): John Wolding, 5267 Palisades Dr., Weeki Wachee, FL 34607.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Eric Knobel, Tesco South Inc./Hector Turf, 1301 N. W. Third Street, Deerfield Beach, FL 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED
EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Palm Beach	District: 9
ID # 0400001	Decision: A Issue Date: 7/1/2004
Facility/Project: Boca Raton Community Hospital	
Applicant: Boca Raton Community Hospital, Inc.	
Project Description: Establish an adult open heart surgery program	
Proposed Project Cost: \$7,000,000	
County: Palm Beach	District: 9
ID # 0400002	Decision: A Issue Date: 7/1/2004
Facility/Project: Bethesda Memorial Hospital	
Applicant: Bethesda Healthcare System, Inc.	
Project Description: Establish an adult open heart surgery program	
Proposed Project Cost: \$6,626,265	
County: Martin	District: 9
ID # 0400003	Decision: A Issue Date: 7/1/2004
Facility/Project: Martin Memorial Medical Center	
Applicant: Martin Memorial Medical Center, Inc.	
Project Description: Establish an adult open heart surgery program	
Proposed Project Cost: \$9,470,549	
County: Indian River	District: 9
ID # 0400004	Decision: A Issue Date: 7/1/2004
Facility/Project: Indian River Memorial Hospital	
Applicant: Indian River Memorial Hospital, Inc.	
Project Description: Establish an adult open heart surgery program	
Proposed Project Cost: \$6,200,000	

NOTICE OF HOSPITAL FIXED NEED POOLS FOR
ACUTE CARE HOSPITAL BEDS

The Agency for Health Care Administration publishes bed need for acute care hospital beds pursuant to the provisions of Rules 59C-1.008 and 59C-1.038, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 9, 2004.

Any person who identifies any error in the published bed need must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the bed need for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Acute Care Hospital Bed Need

	Bed Need
District 1	
Subdistrict 1 (Escambia, Santa Rosa)	0
Subdistrict 2 (Okaloosa, Walton)	0
District 2	
Subdistrict 1 (Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Washington)	0
Subdistrict 2 (Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla)	0
District 3	
Subdistrict 1 (Columbia, Hamilton, Suwannee)	0
Subdistrict 2 (Alachua, Bradford, Dixie, Gilchrist, Lafayette, Levy, Union)	0
Subdistrict 3 (Putnam)	0
Subdistrict 4 (Marion)	0
Subdistrict 5 (Citrus)	0
Subdistrict 6 (Hernando)	0
Subdistrict 7 (Lake, Sumter)	0
District 4	
Subdistrict 1 (Nassau, part of Duval)	0
Subdistrict 2 (Baker, Clay, part of Duval)	0
Subdistrict 3 (Saint Johns, part of Duval)	0
Subdistrict 4 (Flagler, East Volusia)	0
Subdistrict 5 (West Volusia)	0
District 5	
Subdistrict 1 (West Pasco)	0
Subdistrict 2 (East Pasco)	0
Subdistrict 3 (North Pinellas)	0
Subdistrict 4 (South Pinellas)	0
District 6	
Subdistrict 1 (Hillsborough)	0
Subdistrict 2 (Polk)	0
Subdistrict 3 (Manatee)	0
Subdistrict 4 (Hardee)	0
Subdistrict 5 (Highlands)	0

District 7	
Subdistrict 1 (Brevard)	0
Subdistrict 2 (Orange)	0
Subdistrict 3 (Osceola)	0
Subdistrict 4 (Seminole)	0
District 8	
Subdistrict 1 (Charlotte)	0
Subdistrict 2 (Collier)	0
Subdistrict 3 (Desoto)	0
Subdistrict 4 (Glades, Hendry)	0
Subdistrict 5 (Lee)	0
Subdistrict 6 (Sarasota)	0
District 9	
Subdistrict 1 (Indian River)	0
Subdistrict 2 (St. Lucie, Martin)	0
Subdistrict 3 (Okeechobee)	0
Subdistrict 4 (North Palm Beach)	0
Subdistrict 5 (South Palm Beach)	0
District 10 (Broward)	0
District 11	
Subdistrict 1 (Dade)	0
Subdistrict 2 (Monroe)	0
Total Statewide	0

NOTICE OF HOSPITAL FIXED NEED POOLS FOR COMPREHENSIVE MEDICAL REHABILITATION BEDS
 The Agency for Health Care Administration has projected a fixed bed need pool for comprehensive medical rehabilitation hospital beds for January 2010 pursuant to the provisions of Rules 59C-1.008 and 59C-1.039, F.A.C. Net bed need projections for comprehensive medical rehabilitation hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220 MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 9, 2004.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Comprehensive Medical Rehabilitation Bed Need

	Net Adjusted Bed Need
District 1	0
District 2	5
District 3	0
District 4	7
District 5	0
District 6	0
District 7	0
District 8	0
District 9	0
District 10	0
District 11	0
Total Statewide	12

NOTICE OF FIXED NEED POOL FOR NEONATAL INTENSIVE CARE SERVICES FOR LEVEL II AND LEVEL III BEDS

The Agency for Health Care Administration has projected a fixed need pool for Level II and Level III neonatal intensive care unit services for January 2007, pursuant to the provisions of Rules 59C-1.008 and 59C-1.042, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 9, 2004.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first

cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Fixed Need Pool Projections

	Neonatal Intensive Care Level II & Level III Services	
	Level II	Level III
	Net Need	Net Need
District 1	0	0
District 2	0	0
District 3	0	4
District 4	0	8
District 5	0	0
District 6	0	0
District 7	0	0
District 8	0	0
District 9	0	0
District 10	0	0
District 11	0	0
Statewide Total	0	12

NOTICE OF HOSPITAL FIXED NEED POOLS FOR PSYCHIATRIC AND SUBSTANCE ABUSE BEDS

The Agency for Health Care Administration has projected fixed bed need pools for adult and children and adolescent psychiatric and adult substance abuse beds for January 2010 pursuant to the provisions of Rules 59C-1.008, 59C-1.040, and 59C-1.041, F.A.C. Net bed need projections for adult and children and adolescent psychiatric and adult substance abuse hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. A fixed need pool projection for children and adolescent substance abuse beds is not made because the administrative rule governing this service does not include a mathematical formula for the calculation of need. An applicant seeking approval for these types of beds must establish need in its application. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program

Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 9, 2004.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Psychiatric and Substance Abuse Net Bed Need

	Adult Psychiatric Beds Net Adjusted Bed Need	Children & Adolescent Psychiatric Beds Net Adjusted Bed Need	Adult Substance Abuse Beds Net Adjusted Bed Need
District 1	0	0	0
District 2	0	0	0
District 3	0	0	5
District 4	0	0	0
District 5	0	0	0
District 6	0	0	0
District 7	29	67	0
District 8	0	0	0
District 9	0	10	0
District 10	0	0	0
District 11	0	0	0
Total Statewide	29	77	5

CERTIFICATE OF NEED
NOTICE OF WITHDRAWAL

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need applications:

- County: Duval Service District: 4
CON # 9786 Decision Date: 7/2/2004 Decision: W
Facility/Project: Life Care Hospice, Inc.
Applicant: Life Care Hospice, Inc.
Project Description: Establish a hospice program
- County: Orange Service District: 7
CON # 9791 Decision Date: 7/2/2004 Decision: W
Facility/Project: Life Care Hospice, Inc.
Applicant: Life Care Hospice, Inc.
Project Description: Establish a hospice program

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted one new policy and revisions of two other existing policy for review and comment on MyFlorida.com at:

http://www.djj.state.fl.us/DJJServices/Administration/policies_procedures/policyreview.shtml

(please note this is a NEW Website location).

Direct Care Staff Training Policy (new department-wide policy type B) establishes a statewide framework for the Department of Juvenile Justice (DJJ) to implement procedures governing the certification, pre-service, and in-service training of Direct Care Staff. The provisions of this policy are applicable to all Direct Care Staff, as defined in this policy, within all state and contracted DJJ programs, facilities, and probation units.

Protective Action Response (PAR) Policy (revised department-wide policy type B) revises the existing policy (FDJJ-1508.03) that established a statewide framework for the DJJ to implement procedures governing the use of verbal and physical intervention techniques and mechanical restraints. In order to be effective, supervision services, custody and care services, education and life skill services, and specialized treatment and behavior management services for youth in the

custody of or under the supervision of the Department must be implemented and conducted on a daily basis in a safe, stable, and orderly environment.

At the discretion of Secretary Anthony J. Schembri, the Direct Care Staff Training Policy and the revised Protective Action Response policies are being posted for a SINGLE 20 working day review and comment period. The closure date for submission of comments on these policies is August 19, 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.

Network User Account (revised department-wide policy type A, FDJJ 5.50) has been reformatted and renumbered to FDJJ 1205.50. The policy addresses access to DJJ computer resources that are available to assist DJJ employees in the performance of their assigned duties. This policy establishes a standard for the creation, maintenance and deletion of user access, the protection of those accounts, users responsibilities, and who has the authority to these accounts. As this policy impacts department staff only, it is posted for a single 20 working day review and comment period. The closure date for submission of comments on this policy is August 19, 2004. As with the first two policies, 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 July 9, 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 Maria Isabel Mazzarella-Leon, D.D.S., license number DN 14762. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 13, 2004, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Joel Nagler, M.D., license number ME 37971. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 14, 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 Shirley Lawson, R.N., license number RN 2171912. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 8, 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 Patricia Sturdivant L.P.N., license number PN 978951. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6) Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 9, 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 Linda Corey Golinsky, C.N.A., Certificate number 0795 *****6066. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 9, 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 Kim Marston, R.N., License number RN 2866582. 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.

Request for Public Comments on Florida's WIC Program
The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients' needs. WIC is federally funded by the United States Department of Agriculture, and serves low- and moderate-income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious

foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please direct them to Cheryl Miller, Department of Health, WIC and Nutrition Services, Bin #A16, 4052 Bald Cypress Way, Tallahassee, FL 32399-1726; or by Fax (850)922-3936. Your feedback is essential and is appreciated before August 15, 2004. WIC is an equal opportunity provider.

FLORIDA HOUSING FINANCE CORPORATION

PUBLIC NOTICE

Florida Housing Finance Corporation, in consultation with the Department of Community Affairs, is in the process of revising the Consolidated Plan for Federal Fiscal Years 2000-2004 and the Annual Action Plan for Federal Fiscal Year 2004. These revisions will be specific to the HOME Investment Partnerships Program.

The Consolidated Plan and corresponding Annual Action Plan are required in order to receive federal funding from the U.S. Department of Housing and Urban Development (HUD). A draft of revisions to the Consolidated Plan and Annual Action Plan will be made available to the public for comment on August 9, 2004. The draft plans also will be posted to the Department of Community Affairs's website at:

<http://www.floridacommunitydevelopment.org/Florida-Consolidated-Plan/index.htm>.

The drafts will be presented at a public hearing to be held on August 9, 2004, 10:00 a.m. The hearing will take place in Florida Housing Finance Corporation's Seltzer Meeting Room, 227 N. Bronough Street, Tallahassee, Florida 32301. A final public hearing will take place in the same location at the same time on August 27, 2004.

Persons interested in obtaining a copy of the draft or attending either public hearing may wish to contact Sheila Freaney at the address listed below:

Florida Housing Finance Corporation
227 N. Bronough Street, Suite 5000
Tallahassee, Florida 32301
Telephone: (850)488-4197
E-mail: sheila.freaney@floridahousing.org

Written comments are encouraged, but must be received by Florida Housing at the address above on or before September 9, 2004. The document will be finalized and submitted to HUD on September 15, 2004. Any person wishing to attend the meetings mentioned above who requires a special accommodation because of a disability, physical impairment or English language deficiency should contact Sheila Freaney at least five business days prior to the hearing. If you are hearing impaired, please contact Florida Housing using the Florida Dual Party Relay System, 1(800)922-8771 (TDD).

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., August 13, 2004):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Salem Trust Company, Tampa, Florida

Proposed Purchaser: SunTrust Banks, Inc., Atlanta, Georgia

Received: July 6, 2004

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.dbf.state.fl.us/banking/cu_expansion.html.

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Florida West Coast Credit Union, 1225 Millennium Parkway, Brandon, Florida 33511

Expansion Includes: Civic Association

Received: July 13, 2004

DIVISION OF TREASURY

BUREAU OF COLLATERAL MANAGEMENT

PUBLIC DEPOSITS SECTION

FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS. DEPOSITORY HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

ALABAMA

ATMORE
UNITED BANK

BIRMINGHAM
AMSOUTH BANK
COMPASS BANK
REGIONS BANK
SOUTHTRUST BANK

MONTGOMERY
COLONIAL BANK, N.A.

WARRIOR
THE BANK

FLORIDA

ALACHUA
FIRST NATIONAL BANK OF ALACHUA

APALACHICOLA
COASTAL COMMUNITY BANK

ARCADIA
FIRST STATE BANK OF ARCADIA

AVENTURA
TURNBERRY BANK

BARTOW
CITRUS & CHEMICAL BANK
COMMUNITY NATIONAL BANK AT BARTOW

BELLE GLADE
BANK OF BELLE GLADE

BOCA RATON
FIRST SOUTHERN BANK
FIRST UNITED BANK
POINTE BANK

BONIFAY
BANK OF BONIFAY

BRADENTON
COAST BANK OF FLORIDA
FIRST BRADENTON BANK
FIRST NATIONAL BANK & TRUST
FLAGSHIP NATIONAL BANK
GOLD BANK

BRANDON
PLATINUM BANK

BROOKSVILLE
HERNANDO COUNTY BANK

CANTONMENT
CITIZENS & PEOPLES BANK, N.A.

CAPE CORAL
RIVERSIDE BANK OF THE GULF COAST

CARRABELLE
GULF STATE COMMUNITY BANK

CHIEFLAND
DRUMMOND COMMUNITY BANK

CLEWISTON
FIRST BANK OF CLEWISTON
FIRST FEDERAL SAVINGS BANK OF THE GLADES

CORAL GABLES
BANKUNITED, F.S.B.
COMMERCEBANK, N.A.
GIBRALTAR BANK, F.S.B.

CRAWFORDVILLE
CITIZENS BANK – WAKULLA
WAKULLA BANK

CRESTVIEW

FIRST NATIONAL BANK OF CRESTVIEW

CRYSTAL RIVER

CRYSTAL RIVER BANK

DADE CITY

FIRST NATIONAL BANK OF PASCO

DANIA BEACH

COMMUNITY BANK OF BROWARD

DAVIE

REGENT BANK

DEBARY

FIRST COMMUNITY BANK

DESTIN

DESTIN BANK

DUNNELLON

DUNNELLON STATE BANK

ENGLEWOOD

ENGLEWOOD BANK

PENINSULA BANK

FERNANDINA BEACH

FIRST COAST COMMUNITY BANK

FIRST NATIONAL BANK OF NASSAU COUNTY

FORT LAUDERDALE

BANKATLANTIC

EQUITABLE BANK

LANDMARK BANK, N.A.

FORT MYERS

BUSEY BANK FLORIDA

EDISON NATIONAL BANK

IRONSTONE BANK

FORT PIERCE

HARBOR FEDERAL SAVINGS BANK

RIVERSIDE NATIONAL BANK OF FLORIDA

FORT WALTON BEACH

BEACH COMMUNITY BANK

FIRST CITY BANK OF FLORIDA

FIRST NATIONAL BANK & TRUST

FROSTPROOF

CITIZENS BANK OF FROSTPROOF

GAINESVILLE

MERCHANTS & SOUTHERN BANK

MILLENNIUM BANK

GRACEVILLE

*BANK OF JACKSON COUNTY

PEOPLES BANK OF GRACEVILLE

HALLANDALE

DESJARDINS BANK, N.A.

HOMESTEAD

COMMUNITY BANK OF FLORIDA

FIRST NATIONAL BANK OF SOUTH FLORIDA

HOMOSASSA

HOMOSASSA SPRINGS BANK

IMMOKALEE

FLORIDA COMMUNITY BANK

INDIANTOWN

FIRST BANK OF INDIANTOWN

INVERNESS

BANK OF INVERNESS

JACKSONVILLE

EVERBANK

JACKSONVILLE BEACH

OCEANSIDE BANK

KEY LARGO

TIB BANK OF THE KEYS

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

KISSIMMEE

FIRST NATIONAL BANK OF OSCEOLA COUNTY

LADY LAKE

CITIZENS FIRST BANK

LAKE CITY

CNB NATIONAL BANK
COLUMBIA COUNTY BANK
PEOPLES STATE BANK

LEESBURG

CENTERSTATE BANK MID FLORIDA
FIRST FEDERAL SAVINGS BANK OF LAKE COUNTY

LIVE OAK

FIRST FEDERAL SAVINGS BANK OF FLORIDA

LONGWOOD

*LIBERTY NATIONAL BANK

MADISON

MADISON COUNTY COMMUNITY BANK

MALONE

PCB, THE COMMUNITY BANK

MARATHON

MARINE BANK OF THE FLORIDA KEYS

MAYO

LAFAYETTE STATE BANK

MIAMI

BAC FLORIDA BANK
CITY NATIONAL BANK OF FLORIDA
COCONUT GROVE BANK
COMMERCIAL BANK OF FLORIDA
CONTINENTAL NATIONAL BANK OF MIAMI
EAGLE NATIONAL BANK OF MIAMI
EASTERN NATIONAL BANK
ESPIRITO SANTO BANK
EXECUTIVE NATIONAL BANK
INTERAMERICAN BANK, F.S.B.
INTERNATIONAL BANK OF MIAMI, N.A.
MELLON UNITED NATIONAL BANK
METRO BANK OF DADE COUNTY
NORTHERN TRUST BANK OF FLORIDA, N.A.
OCEAN BANK
SOFISA BANK OF FLORIDA
TOTALBANK
TRANSATLANTIC BANK
U.S. CENTURY BANK

MIAMI BEACH

BEACH BANK

MILTON

FIRST NATIONAL BANK OF FLORIDA

MONTICELLO

FARMERS & MERCHANTS BANK

MOUNT DORA

FIRST NATIONAL BANK OF MOUNT DORA
FLORIDA CHOICE BANK

NAPLES

BANK OF NAPLES
COMMUNITY BANK OF NAPLES, N.A.
FIRST NATIONAL BANK OF FLORIDA
ORION BANK

NEW SMYRNA BEACH

FRIENDS BANK

NICEVILLE

PEOPLES NATIONAL BANK

NORTH LAUDERDALE

SECURITY BANK, N.A.

NORTH MIAMI

KISLAK NATIONAL BANK

NORTH PALM BEACH

ENTERPRISE NATIONAL BANK OF PALM BEACH

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

COMMUNITY BANK OF MARION COUNTY
FLORIDA CITIZENS BANK
INDEPENDENT NATIONAL BANK

OKEECHOBEE

BIG LAKE NATIONAL BANK

ORANGE PARK

FIRST NATIONAL BANK
HERITAGE BANK OF NORTH FLORIDA

ORLANDO

CENTURY NATIONAL BANK
MERCANTILE BANK
SOUTHERN COMMUNITY BANK
UNITED HERITAGE BANK

ORMOND BEACH

COQUINA BANK

OVIEDO

CITIZENS BANK OF OVIEDO

PAHOKEE

FIRST COMMUNITY BANK OF PALM BEACH COUNTY

PALATKA

FIRST FEDERAL BANK OF NORTH FLORIDA
PUTNAM STATE BANK

PALM COAST

CYPRESS BANK

PALM HARBOR

PEOPLES BANK

PANAMA CITY

BAY BANK & TRUST COMPANY
FIRST NATIONAL BANK NORTHWEST FLORIDA
PEOPLES FIRST COMMUNITY BANK
VISION BANK, F.S.B.

PENSACOLA

BANK OF PENSACOLA
BANK OF THE SOUTH
GULF COAST COMMUNITY BANK

PERRY

CITIZENS BANK OF PERRY

PORT RICHEY

GULFSTREAM COMMUNITY BANK

PORT ST. LUCIE

FIRST PEOPLES BANK

ST. AUGUSTINE

BANK OF ST. AUGUSTINE
PROSPERITY BANK

ST. CLOUD

PUBLIC BANK

ST. PETERSBURG

FIRST COMMUNITY BANK OF AMERICA
UNITED BANK & TRUST COMPANY

SANTA ROSA BEACH

BANKTRUST

SEBRING

HEARTLAND NATIONAL BANK
HIGHLANDS INDEPENDENT BANK

SOUTH MIAMI

FIRST NATIONAL BANK OF SOUTH MIAMI

SPRING HILL

FIRST KENSINGTON BANK

STARKE

COMMUNITY STATE BANK

STUART

FIRST NATIONAL BANK & TRUST OF THE TREASURE
COAST
GULFSTREAM BUSINESS BANK

SUNRISE

UNION BANK OF FLORIDA

TALLAHASSEE

CAPITAL CITY BANK
TALLAHASSEE STATE BANK
THE BANK OF TALLAHASSEE

TAMPA

FIRST CITRUS BANK
FLORIDA BANK, N.A.

TEQUESTA

INDEPENDENT COMMUNITY BANK

TRENTON

TRI-COUNTY BANK

UMATILLA

UNITED SOUTHERN BANK

VALPARAISO

VANGUARD BANK & TRUST COMPANY

VERO BEACH

INDIAN RIVER NATIONAL BANK

WAUCHULA

FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH

FIDELITY FEDERAL BANK & TRUST
FLAGLER BANK
GRAND BANK & TRUST OF FLORIDA

WEWAHITCHKA

BANKTRUST OF FLORIDA

WILLISTON

PERKINS STATE BANK

WINTER HAVEN

CENTERSTATE BANK OF FLORIDA
FIRST NATIONAL BANK OF POLK COUNTY

WINTER PARK

BANKFIRST
RIVERSIDE BANK OF CENTRAL FLORIDA

ZEPHYRHILLS

COMMUNITY NATIONAL BANK OF PASCO COUNTY

GEORGIA

ATLANTA

SUNTRUST BANK

DARIEN

SOUTHEASTERN BANK

LOUISIANA

NEW ORLEANS

WHITNEY NATIONAL BANK

MASSACHUSETTS

BOSTON

ONEUNITED BANK

MICHIGAN

GRAND RAPIDS

FIFTH THIRD BANK

MISSISSIPPI

JACKSON

TRUSTMARK NATIONAL BANK

NEW YORK

NEW YORK CITY

INTERVEST NATIONAL BANK

NORTH CAROLINA

CHARLOTTE

BANK OF AMERICA, N.A.
WACHOVIA BANK, N.A.

ROCKY MOUNT

RBC CENTURA BANK

WINSTON-SALEM

BRANCH BANKING & TRUST COMPANY

TENNESSEE

MEMPHIS

UNION PLANTERS BANK, N.A.

VIRGINIA

RESTON

CITIBANK, F.S.B.

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE SINCE THE LAST PUBLICATION OF
THIS REPORT.

AMERICAN BANK & TRUST OF POLK COUNTY
LAKE WALES
AMERICAN BANK & TRUST OF POLK COUNTY WAS
MERGED INTO CITIZENS BANK OF FROSTPROOF
(FROSTPROOF).

ATLANTIC STATES BANK
FORT MYERS
ATLANTIC STATES BANK HAS CHANGED ITS NAME
TO IRONSTONE BANK.

COMMUNITY UNITED BANK OF FLORIDA
LAKE MARY
COMMUNITY UNITED BANK OF FLORIDA WAS
MERGED INTO UNITED HERITAGE BANK (ORLANDO).

FLORIDAFIRST BANK
LAKELAND
FLORIDAFIRST BANK WAS MERGED INTO
SOUTHTRUST BANK (BIRMINGHAM, ALABAMA).

PEOPLES STATE BANK OF GROVELAND
GROVELAND
PEOPLES STATE BANK OF GROVELAND WAS MERGED
INTO PUBLIC BANK (ST. CLOUD).

PREMIER COMMUNITY BANK OF FLORIDA
LARGO
PREMIER COMMUNITY BANK OF FLORIDA WAS
MERGED INTO COLONIAL BANK, N.A.
(MONTGOMERY, ALABAMA).

PREMIER COMMUNITY BANK OF SOUTHWEST
FLORIDA
FORT MYERS
PREMIER COMMUNITY BANK OF SOUTHWEST
FLORIDA WAS MERGED INTO COLONIAL BANK, N.A.
(MONTGOMERY, ALABAMA).

REPUBLIC BANK
ST. PETERSBURG
REPUBLIC BANK WAS MERGED INTO BRANCH
BANKING & TRUST COMPANY (WINSTON-SALEM,
NORTH CAROLINA).

NOTICE OF CONSIDERATION OF
CEMETERY BYLAWS

The State of Florida, Board of Funeral and Cemetery Services, will address approval of the amended bylaws of the following cemetery at the regular meeting to be held on August 26, 2004, in Miami, Florida:

Highland Memorial Park Cemetery and Mausoleum
A file pertaining to the above is available for public inspection and copying by any person at the Larson Building, 200 East Gaines Street, 5th Floor, Tallahassee, Florida 32399-0361. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 69K-6.003, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Consumer Services, Bureau of Funeral and Cemetery Services, The Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0361. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral and Cemetery Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department at least fourteen (14) days prior to the meeting.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN July 5, 2004
 and July 9, 2004**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

5E-2.033	7/9/04	7/29/04	30/9	30/25
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Division of Food Safety

5K-4.004	7/6/04	7/26/04	30/18	
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Division of Licensing

5N-1.134	7/7/04	7/27/04	30/15	
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DEPARTMENT OF EDUCATION

University of Central Florida

6C7-3.0123	7/6/04	7/26/04	Newspaper	
6C7-3.0133	7/6/04	7/26/04	Newspaper	
6C7-3.0191	7/6/04	7/26/04	Newspaper	

Commission for Independent Education

6E-4.001	7/7/04	7/27/04	30/14	30/27
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DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

11C-4.009	7/7/04	7/27/04	30/20	
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STATE BOARD OF ADMINISTRATION

19-8.028	7/9/04	7/29/04	30/17	30/22
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**LAND AND WATER ADJUDICATORY COMMISSION
 Tolomato Community Development District**

42SS-1.001	7/9/04	7/29/04	30/17	
42SS-1.002	7/9/04	7/29/04	30/17	
42SS-1.003	7/9/04	7/29/04	30/17	

Split Pine Community Development District

42TT-1.001	7/9/04	7/29/04	30/17	
42TT-1.002	7/9/04	7/29/04	30/17	
42TT-1.003	7/9/04	7/29/04	30/17	

**AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid Program Office**

59G-4.030	7/7/04	7/27/04	30/16	
59G-4.110	7/7/04	7/27/04	30/18	

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

60A-1.009	7/6/04	7/26/04	30/10	30/21
60A-1.010	7/6/04	7/26/04	30/10	30/21
60A-1.012	7/6/04	7/26/04	30/14	30/21
60A-1.044	7/6/04	7/26/04	30/10	30/23

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-18.001	7/6/04	7/26/04	30/23	
61G4-18.007	7/6/04	7/26/04	30/23	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF ENVIRONMENTAL PROTECTION					Board of Medicine				
62-503.101	7/9/04	7/29/04	30/21		64B8-8.017	7/7/04	7/27/04	30/23	
62-503.200	7/9/04	7/29/04	30/21		64B8-9.016	7/7/04	7/27/04	30/23	
62-503.300	7/9/04	7/29/04	30/21		64B8-30.005	7/7/04	7/27/04	30/23	
62-503.350	7/9/04	7/29/04	30/21		64B8-30.019	7/7/04	7/27/04	30/23	
62-503.400	7/9/04	7/29/04	30/21		Board of Occupational Therapy				
62-503.420	7/9/04	7/29/04	30/21		64B11-4.005	7/6/04	7/26/04	30/23	
62-503.430	7/9/04	7/29/04	30/21		Board of Osteopathic Medicine				
62-503.500	7/9/04	7/29/04	30/21		64B15-6.0035	7/7/04	7/27/04	30/23	
62-503.600	7/9/04	7/29/04	30/21		64B15-6.013	7/7/04	7/27/04	30/23	
62-503.650	7/9/04	7/29/04	30/21		64B15-13.001	7/7/04	7/27/04	30/22	
62-503.655	7/9/04	7/29/04	30/21		Board of Pharmacy				
62-503.680	7/9/04	7/29/04	30/21		64B16-28.450	7/7/04	7/27/04	30/20	
62-503.700	7/9/04	7/29/04	30/21		Board of Podiatric Medicine				
62-503.751	7/9/04	7/29/04	30/21		64B18-14.010	7/6/04	7/26/04	30/9	30/14
62-503.800	7/9/04	7/29/04	30/21		64B18-14.011	7/6/04	7/26/04	30/9	
62-503.850	7/9/04	7/29/04	30/21		Board of Psychology				
DEPARTMENT OF HEALTH					64B19-11.005	7/7/04	7/27/04	30/21	
Board of Acupuncture					64B19-18.0025	7/7/04	7/27/04	30/21	
64B1-6.006	7/6/04	7/26/04	30/15						
64B1-6.008	7/6/04	7/26/04	30/15						