

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examinations
 RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule development is to review the ninth edition of the FTCE Competencies and Skills for the Florida Teacher Certification Examinations, to establish a standard passing score for the Professional Education Test, to adjust the standard passing score for the Exceptional Student Education subject area test, to effect a processing fee for a score verification session, to implement educator recommendations about the weighting of the English 6-12 subject area test, to specify the time limit for requesting a score verification, to modify the days required to request a score verification session, and to include language about the number of days between a score verification session and the next retest (previously only in law). The effects of these changes are that updated competencies for 10 recently revised tests for 2005 will be available to examination candidates (Art K-12, Preschool Birth-Age 4, Health K-12, Spanish K-12, German K-12, French K-12, Biology 6-12, Chemistry 6-12, Earth/Space Science 6-12, Physics 6-12), permanent passing scores for two tests will be established, weighting for the English 6-12 test composite score will be changed, a processing fee for score verification sessions will be required, score verification requests must be submitted in 31 days after score is reported, and existing operating procedures for retesting after a score verification session will be codified into rule.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

SPECIFIC AUTHORITY: 1012.56(8), 1012.59 FS.

LAW IMPLEMENTED: 1012.56, 1012.59 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 – 11:00 a.m., September 7, 2004

PLACE: Florida Department of Education, Room 403, 325 West Gaines Street, Tallahassee, FL 32399

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Cornelia S. Orr, Administrator, Office of Assessment and School Performance, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Fair Consumer Practices
 RULE NO.: 6E-1.0032

PURPOSE AND EFFECT: The Commission proposes development of this rule amendment to clarify admission standards and add guidance for licensees regarding special requirements or limitations of students.

SUBJECT AREA TO BE ADDRESSED: The requirements for admission and special requirements or limitations for students.

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.0032 Fair Consumer Practices.

(1) through (5) No change.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution’s catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (f) No change.

(g) Admissions: The institution shall disclose its method of assessing a student’s ability to ~~complete~~ complete successfully the course of study for which he or she has applied. The requirements for admission (~~such as high school diploma, general equivalency diploma, or its equivalent~~) and for

graduation shall be disclosed. If the practice of a career has special requirements or limitations, such as certain physical or language capabilities or lack of a criminal record, such requirements or limitations shall be disclosed to prospective students interested in training for that career.

- (h) through (k) No change.
- (7) through (9) No change.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History--New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04.

DEPARTMENT OF EDUCATION
Commission for Independent Education

RULE TITLE: Institutional Licensure

RULE NO.: 6E-2.002

PURPOSE AND EFFECT: The Commission proposes the rule amendment to clarify that an application is required to apply for annual licensure.

SUBJECT AREA TO BE ADDRESSED: The process for granting an annual license.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3) FS.
LAW IMPLEMENTED: 1005.22(1)(o),(2)(d), 1005.31, 1005.32, 1005.33 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 6E-2.002 Institutional Licensure.
- (1) No change.
- (2) Annual License.
- (a) Granting. An institution that holds a Provisional License, or seeks renewal of an Annual License, shall be granted an Annual License for a period not to exceed one year when the Commission determines that the institution has submitted an application demonstrating demonstrated full compliance with all licensure standards and that all appropriate fees have been paid. A satisfactory on-site visit must occur prior to the granting of an initial Annual License. An accredited institution may submit a report of a satisfactory visit by its accrediting agency to satisfy this requirement.

- (b) through (d) No change.
- (3) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3) FS. Law Implemented 1005.22(1)(o),(2)(d), 1005.31, 1005.32, 1005.33 FS. History--Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 12-23-03.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Actions Against a Licensee; Penalties

RULE NO.: 6E-2.0061

PURPOSE AND EFFECT: The Commission proposes development of this rule amendment to delete improper language relating to the procedure for notice of denial of licensure.

SUBJECT AREA TO BE ADDRESSED: To delete unnecessary language for probable cause determinations by clarifying the procedure.

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.32(7), 1005.38 FS.

LAW IMPLEMENTED: 1005.32(7), 1005.34(3), 1005.38 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 6E-2.0061 Actions Against a Licensee; Penalties.
- (1) through (6) No change.
- (7) Probable cause. Determinations of probable cause shall be made as provided in Section 1005.38, F.S. Probable cause panels shall be appointed to consider suspected violations of law and to make findings, which shall be reported to the full Commission. If the probable cause panel makes a determination of probable cause, the Commission shall issue an administrative complaint ~~or notice of denial of licensure,~~ and shall issue a cease and desist order as provided in Section 1005.38, F.S., if necessary to stop the violations. Probable cause panels shall be appointed and shall serve as follows:
 - (a) through (c) No change.
 - (8) through (10) No change.

Specific Authority 1005.22(1)(e)1., 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History--New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 1-7-03, 7-20-04.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Safety Inspection of Bridges	14-48
RULE TITLES:	RULE NOS.:
Purpose	14-48.001
Safety Inspection of Bridges	14-48.0011
Definitions	14-48.002
Designation of Division	14-48.003
Application of Standards	14-48.004
Inspection Requirements	14-48.005
Qualification of Personnel	14-48.006
Qualifications for Certification	14-48.007
Certification	14-48.008
Refusal, Revocation or Suspension of Certificate	14-48.009
Training Courses	14-48.010
Inspection Report	14-48.011
Inventory	14-48.012
Recording and Coding Guide for Maintenance	

Inspection of Public Bridges 14-48.013
 Executive and Legislative Reports 14-48.014
 PURPOSE AND EFFECT: The 14 existing rules in this rule chapter have obsolete organizational references, need to be updated, and are being replaced with a single rule covering Safety Inspection of Bridges.

SUBJECT AREA TO BE ADDRESSED: The 14 existing rules are obsolete. All 14 rules are being repealed and replaced by a single rule covering Safety Inspection of Bridges.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 335.074 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**SAFETY BRIDGE INSPECTION
 OF BRIDGES STANDARDS**

14-48.001 Purpose.

Specific Authority 334.044 (2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History--New 6-6-77, Formerly 14-48.01, Repealed _____.

14-48.0011 Safety Inspection of Bridges.

(1) Purpose. The purpose of this rule is to establish standards for safety inspection of bridges, as well as certification requirements for bridge inspectors.

(2) The Manual for Condition Evaluation of Bridges, 1994, Second Edition as revised by the 1995, 1996, 1998, and 2000, interim revisions, published by the American Association of State Highway and Transportation Officials (AASHTO), is hereby incorporated by reference and made a part of this rule. Copies of this manual are available from AASHTO, 444 North Capitol Street, Northwest, Suite 249, Washington, DC 20001.

(3) The Federal Highway Administration Recording and Coding Guide for the Structure Appraisal of the Nation's Bridges, December 1995, is hereby incorporated by reference and made a part of this rule. This manual is available on line and can be downloaded at <http://www.fhwa.dot.gov/bridge/mtguide.pdf>.

(4) Training Course. Bridge inspectors must complete the Safety Inspection of In-Service of Highway Bridges course provided by the National Highway Institute. Information regarding this training can be obtained by contacting the National Highway Institute at its website: <http://www.nhi.fhwa.dot.gov/default.asp>.

(5) The Department will certify persons with a minimum of five years of bridge construction or maintenance inspection experience in a responsible capacity, who have completed the training course as bridge inspectors. The five years of constructive experience must include at least one year of experience conducting bridge safety inspections meeting the requirements of the National Bridge Inspection Standards, 23 C.F.R., Part 650, Subpart C, incorporated herein by reference. The other four years may include any combination of the following: engineering education, bridge construction, bridge maintenance, materials testing, or additional bridge safety inspection. The Application for Bridge Inspection Certification, DOT Form 850-010-16, Rev. 09/04, is hereby incorporated by reference and made a part of this rule. Copies of this form can be obtained from State Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2) FS. Law Implemented 335.074 FS. History--New _____.

14-48.002 Definitions.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History--New 6-6-77, Formerly 14-48.02, Repealed _____.

14-48.003 Designation of Division.

Specific Authority 334.044 (2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History--New 6-6-77, Formerly 14-48.03, Repealed _____.

14-48.004 Application of Standards.

Specific Authority 334.044 (2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History--New 6-6-77, Formerly 14-48.04, Repealed _____.

14-48.005 Inspection Requirements.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 316.535, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History--New 6-6-77, Formerly 14-48.05, Repealed _____.

14-48.006 Qualification of Personnel.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 337.11 FS. History--New 6-6-77, Formerly 14-48.06, Repealed _____.

14-48.007 Qualifications for Certification.

Specific Authority 334.044(2) FS. Law Implemented 335.074 FS. History--New 6-6-77, Formerly 14-48.07, Repealed _____.

14-48.008 Certification.

Specific Authority 334.044(2) FS. Law Implemented 335.074 FS. History--New 6-6-77, Formerly 14-48.08, Repealed _____.

14-48.009 Refusal, Revocation or Suspension of Certificate.

Specific Authority 334.044(2) FS. Law Implemented 120.569, 120.57, 335.074 FS. History--New 6-6-77, Formerly 14-48.09, Amended 1-17-99, Repealed _____.

14-48.010 Training Courses.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual, Volume 6, Chapter 7, Section 4, Subsection 1. History--New 6-6-77, Formerly 14-48.10, Repealed _____.

14-48.011 Inspection Report.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05, 120.53(1)(b) FS., Federal Highway Program Manual, Volume 6, Chapter 7, Section 4, Subsection 1. History--New 6-6-77, Formerly 14-48.11, Repealed _____.

14-48.012 Inventory.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual, Volume 6, Chapter 7, Section 4, Subsection 1. History--New 6-6-77, Formerly 14-48.12, Repealed _____.

14-48.013 Recording and Coding Guide for Maintenance Inspection of Public Bridges.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual, Volume 6, Chapter 7, Section 4, Subsection 1. History--New 6-6-77, Formerly 14-48.13, Repealed _____.

14-48.014 Executive and Legislative Reports.

Specific Authority 334.044(2) FS. Law Implemented 335.074 FS. History--New 6-6-77, Formerly 14-48.14, Repealed _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Public-Private Transportation Facilities

RULE CHAPTER NO.: 14-107

RULE TITLE: Public-Private Transportation Facilities

RULE NO.: 14-107.0011

PURPOSE AND EFFECT: Rule 14-107.0011, F.A.C., is substantially reworded. The current Sections (1) through (8) are replaced with totally reworded Sections (1) through (4). "Public-" is added to the title of both the rule and the rule chapter.

SUBJECT AREA TO BE ADDRESSED: Rule 14-107.0011, F.A.C., substantially reworded.

SPECIFIC AUTHORITY: 334.30 FS.

LAW IMPLEMENTED: 334.30 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: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 14-107.0011 follows. See Florida Administrative Code for present text.)

14-107.0011 Public-Private Transportation Facilities.

(1) An initial fee of \$50,000 payable to the Florida Department of Transportation must accompany a public-private transportation facility proposal. Proposals received without the initial fee shall not be accepted.

(2) Payment shall be made by cash, cashier's check, or any other non-cancelable instrument. Personal checks will not be accepted.

(3) If the initial fee is not sufficient to pay the Department's costs of evaluating the proposals, the Department shall request in writing additional amounts required. The public-private partnership or private entity submitting the proposal shall pay the requested additional fee within 30 days. Failure to pay the additional fee shall result in the proposal being rejected.

(4) The Department shall refund any fees in excess of the costs of evaluating the proposal after the evaluation is complete.

Specific Authority 334.044(2); 334.30 FS. Law Implemented 334.30 FS. History--New 3-13-97, Amended _____.

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

UNDOCKETED

RULE TITLES:	RULE NOS.:
Agenda Conference Participation	25-22.0021
Point of Entry into Proposed Agency Action Proceedings	25-22.029
Reconsideration of Non-Final Orders	25-22.0376
Oral Argument	25-22.058
Motion for Reconsideration of Final Orders	25-22.060

PURPOSE AND EFFECT: The proposed rules clarify when and how participation at agenda conferences will proceed, and how participation on motions for reconsideration will be handled. The proposed rules also allow filing of a cross-petition when the Commission takes proposed agency action.

SUBJECT AREA TO BE ADDRESSED: Participation at agenda conferences and filing of cross-petitions on proposed agency action.

SPECIFIC AUTHORITY: 350.01(7), 350.127(2) FS.

LAW IMPLEMENTED: 120.525, 120.569, 120.57, 364.05, 366.06, 367.081, 367.081(4)(a), 367.0817 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: 9:30 a.m., September 17, 2004

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

The workshop request must be submitted in writing to: Marlene Stern, Office Of The General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.

Any person requiring some accommodation at this workshop 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 Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Marlene Stern, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6230

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART I – GENERAL PROVISIONS

25-22.0021 Agenda Conference Participation.

(1) Participation at agenda conferences may be informal or by oral argument. The Commission determines when and whether participation is allowed in accordance with this rule.

The notice for each agenda conference contains a list of items to be discussed, and identifies the type of participation allowed. The notice is available in hard copy or on the Commission's internet site, www.psc.state.fl.us/agendas, at least seven days before the agenda conference. Persons who may be affected by Commission action on certain items on the agenda for which a hearing has not been held (other than actions on interim rates in file and suspend rate cases and declaratory statements) will be allowed to address the Commission concerning those items when taken up for discussion at the conference.

~~(2) Oral argument at agenda conference. When a recommendation is presented and considered in a proceeding where a hearing has been held, no person other than staff who did not testify at the hearing and the Commissioners may participate at the agenda conference. Oral or written presentation by any other person, whether by way of objection, comment, or otherwise, is not permitted, unless the Commission is considering new matters related to but not addressed at the hearing.~~

(a) Oral argument at agenda conference will only be entertained for dispositive motions such as motions to dismiss, motions for summary final order, and for motions for reconsideration of non-final or final orders. Only parties to the docket may participate in the oral argument. Participation at agenda conference for all other types of items shall be informal.

(b) Oral argument must be requested by separate written motion filed concurrently with the motion on which argument is requested. The motion for oral argument shall state with particularity why oral argument would aid the Commissioners in understanding and evaluating the issues to be decided. Granting or denying a motion for oral argument is at the sole discretion of the Commission. If the motion for oral argument is granted at an agenda conference, the oral argument may occur at that agenda conference.

(c) The Commission may, at any time, request discussion on any issue to be decided by a dispositive motion. Parties are advised to come to the agenda conference prepared to address all issues associated with a dispositive motion on the agenda, even if a motion for oral argument has not been made by a party, or if a motion made by a party pertains to a limited number of issues.

(d) When a motion for reconsideration of a non-final or final order is filed, a party that fails to file a written response to a written argument for reconsideration shall be precluded from responding to that argument during oral argument.

(e) The staff attorney assigned to the docket may participate in any oral argument.

(f) Oral argument will not be entertained on a motion for oral argument.

~~(3) Informal Participation. Nothing in this rule shall preclude the Commission from making decisions during the course of or at the conclusion of a hearing.~~

~~(a) Any person who may be affected by an item set for agenda conference will be allowed to address the Commission concerning that item when it is taken up for discussion, except as provided in (3)(b)-(d) and (4), below. To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on the agenda.~~

~~(b) Parties may not participate when the Commission staff presents a post-hearing recommendation on the merits of a case after the close of the record.~~

~~(c) When an item pertains to a docket set for hearing or in which a hearing has been held, only parties may participate, except that parties may not participate in the deliberations on post-hearing recommendations on the merits of a case after the close of the record, and parties may not participate informally on dispositive motions as described in paragraph (2)(a) of this rule.~~

~~(d) In certain types of cases in which the Commission issues an order based on a given set of facts without hearing, such as declaratory statements and interim rate orders, the Commission allows informal participation at its discretion.~~

~~(4) The Commission reserves the discretion to limit or restrict informal participation as needed to ensure the orderly disposition of matters before it. In limiting or restricting informal participation the Commission will consider such things as the number of persons who wish to address the Commission on an item, the number of items to be taken up at the agenda conference, the procedural status of the docket to which the item pertains, and the complexity of the issues addressed in an item.~~

~~(5) Nothing in this rule shall preclude the Commission from making decisions during the course of or at the conclusion of a hearing.~~

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.525 FS. History--New 3-23-93, Amended _____.

25-22.029 Point of Entry into Proposed Agency Action Proceedings.

(1) After agenda conference, the Division of the Commission Clerk and Administrative Services shall issue written notice of the proposed agency action (PAA), advising all parties of record that, except for PAA orders establishing a price index pursuant to Section 367.081(4)(a), Florida Statutes, they have 21 days after issuance of the notice in which to file a request for a Section 120.569 or 120.57, Florida Statutes, hearing. For PAA orders establishing a price index pursuant to Section 367.081(4)(a), Florida Statutes, the time for requesting a Section 120.569 or 120.57, Florida Statutes, hearing shall be 14 days from issuance of the notice of ~~for~~ PAA orders establishing a price index pursuant to Section 367.081(4)(a), Florida Statutes. The Commission will require a

utility to serve written notice of the PAA on its customers if the Commission finds that it is necessary in order to afford adequate notice.

(2) No change.

(3) One whose substantial interests may or will be affected by the Commission's proposed action may file a petition for a Section 120.569 or 120.57, Florida Statutes, hearing, in the form provided by Rule 28-106.201, F.A.C. Any such petition shall be filed within the time stated in the notice issued pursuant to subsection (1), of this rule, and shall identify the particular issues in the proposed action that are in dispute. Within 10 days of service of the initial petition, any other party or Commission staff may file a cross-petition identifying additional particular issues on which a hearing is requested. Issues in the proposed action that are not identified in the petition or a cross-petition shall be deemed stipulated.

(4) The Commission will not entertain a motion for reconsideration of proposed agency action.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 364.05, 366.06, 367.081, 367.081(4)(a), 367.0817 FS. History--New 12-21-81, Formerly 25-22.29, Amended 7-8-92, 5-3-99, _____.

25-22.0376 Reconsideration of Non-Final Orders.

(1) through (4) No change.

~~(5) Oral argument on any motion filed pursuant to this rule may be granted at the discretion of the Commission. A party who fails to file a written response to a point on reconsideration shall be precluded from responding to that point during oral argument.~~

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History--New 9-3-95, Amended 7-11-96, _____.

25-22.058 Oral Argument.

~~(1) The Commission may grant oral argument upon request of any party to a Section 120.57, Florida Statutes, formal hearing. A request for oral argument shall be contained on a separate document and must accompany the pleading upon which argument is requested. The request shall state with particularity why oral argument would aid the Commission in comprehending and evaluating the issues before it. Failure to file a timely request for oral argument shall constitute waiver thereof.~~

~~(2) If granted, oral argument shall be conducted at a time and place determined by the Commission. Unless otherwise specified in the notice, oral argument shall be limited to 15 minutes to each party. The staff attorney may participate in oral argument.~~

~~(3) Requests for oral argument on recommended or proposed orders and exceptions pursuant to Section 120.58(1)(e), Florida Statutes, must be filed no later than 10 days after exceptions are filed.~~

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History--New 12-21-81, Formerly 25-22.58, Amended 3-23-93, Repealed _____.

25-22.060 Motion for Reconsideration of Final Orders.

(1) Scope and General Provisions.

(a) Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order. The Commission will not entertain any motion for reconsideration of any order ~~that which~~ disposes of a motion for reconsideration. ~~The Commission will not entertain a motion for reconsideration of a Notice of Proposed Agency Action issued pursuant to Rule 25-22.029, F.A.C., regardless of the form of the Notice and regardless of whether or not the proposed action has become effective under subsection 25-22.029(6), F.A.C.~~

(b) through (d) No change.

(e) A motion for reconsideration of an order adopting, repealing, or amending a rule shall be treated by the Commission as a petition to adopt, repeal, or amend a rule under Section 120.54(5)(7), Florida Statutes, and Rule ~~28-103.006~~ 25-22.012, F.A.C.

~~(f) Oral argument on any pleading filed under this rule shall be granted solely at the discretion of the Commission. A party who fails to file a written response to a point on reconsideration is precluded from responding to that point during the oral argument.~~

(2) through (3) No change.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History--New 12-21-81, Amended 10-4-84, Formerly 25-22.60, Amended 7-11-96, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Officer Uniform Requirements
 RULE NO.: 33-602.601

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

SUBJECT AREA TO BE ADDRESSED: Correctional officer uniforms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.601 Correctional Officer Uniform Requirements.

The following are conditions and requirements for wearing correctional officer uniforms:

(1) Correctional officers shall be issued and required to wear uniforms as designated by the Secretary according to job assignment, security, and institutional operations. Correctional officers' uniforms shall consist of: shoes; socks; pants or skirt; belt; undershirt; shirt; tie; safety equipment and apparel; equipment accessories; decorum (hash marks, patches, rank insignia, badges, pins, whistle); and if necessary, raingear, windbreakers, jackets, hats, or gloves. Uniforms shall be worn in a complete or full manner at all times while an employee is performing official duties. The uniform or any parts of it furnished by the department shall not be worn during off-duty hours or when an employee is not acting in an official capacity, except when traveling directly to and from work. No part of the uniform may be duplicated by an employee for any purpose.

(2) Employees are solely responsible for alterations to and care of uniforms and clothing issued by the department. The department shall only be responsible for cleaning the uniform issued for deployment to correctional emergency response teams and rapid response teams.

(3) The following uniform accessories shall be provided by the correctional officer:

(a) Shoes;

(b) Boots (except for C.E.R.T. and Rapid Response Teams, Canine, Boot Camp staff, and extended day staff);

(c) Belts;

(d) Socks or stockings;

(e) Gloves;

(4) The following uniform components will be issued by the Department:

(a) Shirts,

(b) Trousers,

(c) Outer Coat,

(d) Cap,

(e) Glove pouch,

(f) Tie.

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Implementation	40C-2.031
General Permit by Rule	40C-2.042
Exemptions	40C-2.051
Publications Incorporated by Reference	40C-2.101
Limiting Conditions	40C-2.381

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend the General Consumptive Use Permit by Rule regulating small irrigation uses below consumptive use permit thresholds in subsection 40C-2.041(1), F.A.C., allowing for no more than two days per week for landscape irrigation, repeal two exemptions converting them to a new general permit by rule, amend the limiting conditions rule to clarify that the permit conditions adopted by rule are also applicable to General Permits by Rule, and revise the Applicant's Handbook: Consumptive Uses of Water, to reflect these changes.

SUBJECT AREA TO BE ADDRESSED: Amendments to General Permit by Rule and related consumptive use rules regarding regulation of small irrigation uses.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 373.216 FS.

LAW IMPLEMENTED: 373.109, 373.118, 373.216, 373.219, 373.223, 373.250, 373.609 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, September 22, 2004

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B-200, Conference Room A, Jacksonville, Florida 32256

TIME AND DATE: 10:00 a.m. – 12:00 Noon, September 23, 2004

PLACE: St. Johns River Water Management District, Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

TIME AND DATE: 6:30 p.m. – 8:30 p.m., September 30, 2004

PLACE: St. Johns River Water Management District, Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.031 Implementation.

(1) through (3) No change.

(4) In conjunction with the general consumptive use permit by rule program implemented under paragraph 40C-2.031(1)(d), F.A.C., all persons with individual consumptive use permits on 7-23-91 shall be prohibited from ~~limited to~~ irrigating between the

hours of 10:00 a.m. 4:00 p.m. and 4:00 p.m. ~~10:00 a.m.~~ subject to the exceptions specified in Rule 40C-2.042, F.A.C., unless a permit modification is obtained which specifies otherwise.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—New 1-1-83, Formerly 40C-2.031, 40C-2.0031, Amended 7-23-91, 12-6-93, 2-15-95, 1-7-99, _____.

40C-2.042 General Permit by Rule.

A general consumptive use permit by rule is hereby established for ~~landscape, golf course, recreation, agriculture and nursery irrigation, and for aquaculture, ornamental and aerating fountains, and all other types of uses.~~ This section shall apply to ~~all~~ consumptive uses of water listed below that ~~which~~ do not meet or exceed any ~~an individual~~ permitting threshold under subsection 40C-2.041(1), F.A.C., except as provided in subsection (7). However, this section shall not apply to domestic uses of water by individuals, i.e. water used for the household purposes of drinking, bathing, cooking or sanitation. Persons using or proposing to use water in a manner not authorized under this section, must obtain ~~apply for a general~~ permit pursuant to Chapter ~~40C-2, 40C-20, or 40C-22,~~ F.A.C.; ~~or a modification of their individual permit pursuant to this chapter.~~

(1) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water to irrigate ~~landscape, agricultural crops, nursery plants, and golf courses and recreational areas,~~ provided the irrigation does not occur between the hours of 10:00 a.m. 4:00 p.m. and 4:00 p.m. ~~10:00 a.m.~~ daily. Such water use shall be subject to the following exceptions ~~and alternative water conservation practices:~~

(a) Irrigation using a micro-irrigation system is allowed anytime.

~~(b) The use of water for irrigation from a reclaimed water system is allowed anytime provided appropriate signs are placed on the property to inform the general public and District enforcement personnel of such use. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.~~

~~(c) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off site surface water, or public supply sources.~~

~~(b)(d)~~ Irrigation of, or in preparation for planting, ~~soil,~~ agricultural crops, or nursery stock, is allowed at any time of day for one 30 day period provided that the irrigation is limited to the minimum amount necessary for crop or plant establishment. Irrigation of ~~new landscape and~~ newly seeded or sprigged golf course areas is allowed at any time of day for one 60 day period.

(e) through (l) renumbered (c) through (g) No change.

~~(h)(m)~~ Irrigation using a ~~one~~ hand-held hose equipped with an automatic shut-off nozzle is allowed anytime.

(2)(a) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water for landscape irrigation, provided the irrigation does not occur more than two days per week and not between the hours of 10:00 a.m. and 4:00 p.m. daily. Landscape irrigation means the outside watering of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential and recreation areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way. Such water use shall be subject to the following exceptions:

1. Irrigation using a micro-irrigation system is allowed anytime. Micro-irrigation means the frequent application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitters or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation. For the purposes of this permit, micro-irrigation does not include above or in-ground sprinkler systems.

2. Irrigation of new landscape, is allowed at any time of day on any day for the initial 30 days, every other day for the next 30 days, and every third day for the following 30 days, for a total of one 90-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.

4. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.

5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed anytime.

(b) A local government may enforce paragraph (2)(a) within its jurisdiction by adopting an ordinance incorporating these provisions. If the local government chooses to identify specific days on which landscape irrigation will occur, then the schedule within the ordinance shall be:

1. Landscape irrigation at odd numbered addresses must only occur on Wednesday and Saturday; and

2. Landscape irrigation at even numbered addresses or no address must only occur on Thursday and Sunday.

3. Non-residential landscape irrigation may be designated on two alternative days other than those combinations in subparagraphs 1. or 2. above to address utility system-related demands.

(2) through (4) renumbered (3) through (5) No change.

~~(6)(5)~~ The Board hereby grants a general permit ~~by rule~~ to each person located within the District to use water for the augmentation of any pond which is ~~under~~ 1/2 acre ~~or smaller~~ in size, provided the following conditions are met:

(a) through (c) No change.

~~(6) All of the consumptive uses authorized under this section are presumed to meet the conditions for issuance of permits in Rule 40C-2.301, F.A.C. Note: Individual and general (Chapter 40C-20, F.A.C.), consumptive use permittees may be subject to different irrigation and conservation requirements than those established above when necessary to meet the applicable criteria of Rule 40C-2.301, F.A.C. Specific requirements will be listed as conditions of these permits.~~

(7) The Board hereby grants a general permit to each person located within the District to withdraw groundwater from a well solely to irrigate a total of one acre or less of landscape on contiguous property, provided the withdrawal does not meet or exceed any thresholds of paragraphs 40C-2.041(1)(a)-(c), F.A.C. This permit is subject to all the requirements in paragraph (2)(a) and the exceptions in subparagraphs (2)(a)1.-5.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.219, 373.223, 373.250, 373.609 FS. History—New 7-23-91, Amended 1-7-99, _____.

40C-2.051 Exemptions.

No permit shall be required under the provisions of this ~~chapter rule~~ or Chapter 40C-20 or 40C-22, F.A.C., for the following water uses:

(1) Domestic consumption of water by individual users as defined by Section 373.019~~(4)~~~~(6)~~, Florida Statutes.

(2) through (5) No change.

~~(6) Withdrawals of ground water to irrigate residential landscape areas less than one acre in size, which withdrawals would otherwise require an individual consumptive use permit under paragraph 40C-2.041(1)(e), F.A.C., only.~~

(7) through (9) renumbered (6) through (8) No change.

(10) Withdrawal of ground water from a well with a water bearing casing six inches or greater in diameter to irrigate residential or commercial landscape areas less than one acre in size, provided the withdrawal does not exceed the threshold of paragraph 40C-2.041(1)(a), F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.216, 373.219, 403.501 et seq., 288.501 et seq. FS. History—New 1-1-83, Formerly 40C-2.051, 40C-2.0051, Amended 8-18-87, 11-19-87, 9-12-89, 12-6-93, 8-18-94, 4-25-96, 10-2-96, 11-11-03, _____.

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, and the “Water Conservation Public Supply” requirements in Appendix I of the document entitled “Applicant’s Handbook, Consumptive Uses of Water”, ~~_____~~ 4-10-02. The purpose of the document is to provide

information regarding the policy, procedure, criteria, and conditions ~~that which~~ pertain to the District’s administration of the consumptive use permitting program.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.109, 373.219, 373.223, 373.229, 373.236, 373.239, 373.250 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C- 2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02,_____.

40C-2.381 Limiting Conditions.

(1) No change.

(2)(a) The Board hereby determines and finds that the inclusion of the following limiting conditions on general permits issued under Chapter 40C-20, F.A.C., and individual permits issued under this chapter are necessary in order to meet the requirements set forth in subsection 40C-2.381(1), F.A.C., and will be imposed at the time that a consumptive use permit is issued or granted by rule:

1. through 8. No change.

(b) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219(1) FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.381, 40C-2.0381. Amended 8-1-89, 7-23-91,_____.

APPLICANT’S HANDBOOK SECTION

2.0 Definitions

(a) through (p) No change.

(q) Landscape Irrigation – The outside watering of shrubbery, trees, lawns, grass, ground covers, plants vines, gardens and other such flora which are ~~planted and are~~ situated in such diverse locations as residential and recreation areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way.

(r) through (mm) No change.

3.4.1 The following types of use are exempt from the requirements to obtain a consumptive use permit:

(a) through (e) No change.

~~(f) Withdrawals of ground water to irrigate residential landscape areas less than one acre in size, which withdrawals would otherwise require an individual consumptive use permit under 3.2.2 only.~~

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

~~(j) Withdrawals of ground water from a well with a water bearing casing six inches or greater in diameter to irrigate residential or commercial landscape areas less than one acre in size, provided the withdrawals do not exceed the threshold of paragraph 40C-2.041(1)(a), F.A.C.~~

6.2.3 Type of Use Classes: Each permit shall be identified with one or more of the following use classifications:

(a) through (b) No change.

(c) Agricultural use – the use of water for the commercial production of crops or the growing of farm products, including, but not limited to, vegetables, citrus and other fruits, pasture, sod, rice and other commodities for human consumption or domestic animal feed.

(d) through (l) No change.

(m) Landscape irrigation – the outside watering of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential and recreation areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way.

(m) through (s) through (n) through (t) No change.

~~(t) Urban landscape irrigation—the outside watering or sprinkling of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora which are situated in such diverse locations as residential landscapings, recreation areas, cemeteries, public, commercial and industrial establishments, public medians and rights of way.~~

(u) through (w) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Insurance Agents and Agency Services

RULE TITLES:	RULE NOS.:
Purpose	59B-14.001
Definitions	59B-14.002
Exclusions	59B-14.003
Satisfaction Survey Reporting Requirements	59B-14.004
Premiums and Benefits Reporting Requirements	59B-14.005
Company Contact Information	59B-14.006
Certification	59B-14.007
Administrative Penalties	59B-14.008

PURPOSE AND EFFECT: The proposed rules require that health insurers report premium costs, benefits design, and insured satisfaction data to the agency for purposes of consumer information. The proposed rules require an annual report of health insurer data in a uniform electronic format. The proposed rules require health insurers to submit a certification that the health insurer data is true and accurate using a form incorporated by reference. The proposed rules require that health insurers deliver an audit report to the agency from an independent auditor that attests to the validity of the satisfaction survey methodology. The proposed rules notify health insurers that failure to report in whole or in part is subject to administrative penalties as provided in Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Health insurers are required to make available to the agency data on premium costs, benefits design, and insured satisfaction for purposes of consumer information. The agency is developing rules specifying data reporting procedures for these indicators as required by Section 408.05(3)(l) and authorized in 408.061(1)(c), Florida Statutes.

SPECIFIC AUTHORITY: 408.061(1)(c), 408.08(4), 408.08(5) FS.

LAW IMPLEMENTED: 408.05(3)(1) FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beth C. Dye, Bureau Chief, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-14.001 Purpose.

(1) The rules in this section describe the requirements for reporting insured satisfaction data to the Agency for Health Care Administration (AHCA) for the purpose of providing comparative information to consumers.

(2) The rules in this section describe the requirements for reporting premium costs and benefits design data to AHCA for the purpose of providing comparative information to consumers.

Specific Authority 408.061(1)(c) FS. Law Implemented 408.05(3)(1) FS. History--New _____.

59B-14.002 Definitions.

(1) "Health insurer" means an entity that provides hospital and medical coverage licensed under Chapter 627, Florida Statutes or a health maintenance organization licensed under Chapter 641, Florida Statutes.

(2) "Health plan" means a commercial health policy of a health insurer or a health maintenance organization.

(3) "Reporting year" means the year prior to the year in which the report is due to be submitted to the Agency for Health Care Administration (AHCA).

(4) "High deductible plan" means a health plan that meets the minimum deductible requirements to qualify for a health savings account.

(5) "Hospital days" means days of hospitalization in a licensed hospital to treat physical and mental conditions requiring intensive or acute care.

Specific Authority 408.061(1)(c) FS. Law Implemented 408.05(3)(1) FS. History--New _____.

59B-14.003 Exclusions.

(1) Health insurers with less than \$1,000,000 in premiums in the year prior to the reporting year.

(2) Health plans with less than 5,000 insureds as of October 1 of the reporting year.

(3) New health insurers starting operations after October 1 of the reporting year.

Specific Authority 408.061(1)(c) FS. Law Implemented 408.05(3)(1) FS. History--New _____.

59B-14.004 Satisfaction Survey Reporting Requirements.

(1) Health insurers licensed under Chapter 627, Florida Statutes and under Chapter 641, Florida Statutes shall report survey data using the Consumer Assessment of Health Plans (CAHPS) Version 3.0 questionnaire to the Agency for Health Care Administration (AHCA) on February 1 of each year performed for a random sample of insureds during the previous calendar year. The data shall be submitted in the format provided in (3) below. The data shall be submitted with an acceptable audit report as provided in (4) below.

(2) A separate survey shall be performed for insureds of high deductible health plans, health maintenance organization plans, and other plans, and for adults 18 years and older and for children younger than 18 years.

(3) The survey method and sample size shall meet the standards of federal Agency for Healthcare Research and Quality (AHRQ) National CAHPS Benchmarking Database. The survey data shall be submitted in the format established by the National CAHPS Benchmarking Database available from the website: <http://ncbd.cahps.org/Home/index.asp>.

(4) The survey method shall be audited by a National Committee for Quality Assurance (NCQA) approved auditor. Information on approved auditors is available from the website: <http://www.ncqa.org>. An acceptable audit report shall state that the survey method meets the standards of the NCQA or National CAHPS Benchmarking Database. The signed audit report may be submitted electronically.

Specific Authority 408.061(1)(c) FS. Law Implemented 408.05(3)(1) FS. History--New _____.

59B-14.005 Premiums and Benefits Reporting Requirements.

(1) Health insurers licensed under Chapter 627 and Chapter 641, Florida Statutes shall report premium costs and benefits design data to the Agency for Health Care Administration (AHCA) on February 1 of each year describing premium costs and benefits design for each of the insureds included in the satisfaction survey required to be reported February 1 of the same year as specified in Rule 59B-13.004, F.A.C.

(2) The following premiums costs and benefits design data shall be reported for each insured sampled:

(a) Policy number assigned by the health insurer;

(b) Designate plan type as either (1) high deductible plan, (2) health maintenance organization, or (3) other health plan;

(c) Monthly premium;

(d) Designate coverage type as either (1) single, (2) couple, or (3) family;

- (e) Designate group type as either (1) non-group, (2) small group, or (3) large group;
- (f) County of insured;
- (g) Prescribed medicine monthly co-payment level 1;
- (h) Prescribed medicine monthly co-payment level 2;
- (i) Prescribed medicine monthly co-payment level 3;
- (j) Annual benefit payment limitation;
- (k) Lifetime benefit payment limitation;
- (l) Annual hospital days limitation;
- (m) Lifetime hospital days limitation;
- (n) Number of contracted hospitals in Florida;
- (o) Number of contracted physicians in Florida;
- (p) Hospitalization coinsurance percentage;
- (q) Physician service coinsurance percentage;
- (r) Annual deductible.

Specific Authority 408.061(1)(c) FS. Law Implemented 408.05(3)(l) FS. History--New _____.

59B-14.006 Company Contact Information.

Each health insurer shall include the following company and contact information when submitting a report required in this section to the Agency for Health Care Administration:

- (1) Name of company;
- (2) NAIC number;
- (3) Florida insurance company code number assigned by Office of Insurance Regulation;
- (4) Year beginning continuous license in Florida;
- (5) Company website;
- (6) Contact name;
- (7) Contact title;
- (8) Contact address;
- (9) Contact direct telephone number;
- (10) Company telephone number;
- (11) Contact e-mail address;
- (12) Contact FAX number.

Specific Authority 408.061(1)(c) FS. Law Implemented 408.05(3)(l) FS. History--New _____.

59B-14.007 Certification.

(1) Each health insurer shall provide certification of the accuracy of the health insurance performance report including all data required in this section as provided in Section 408.061(1)(c), Florida Statutes.

(2) The certification shall be submitted to the Agency for Health Care Administration (AHCA) by February 1 of each year using the Certification of Health Insurance Performance Report incorporated by reference. The Certification of Health Insurance Performance Report will be available from the AHCA website at www.fdhs.state.fl.us. The signed Certification of Health Insurance Performance Report may be submitted electronically.

Specific Authority 408.061(1)(c) FS. Law Implemented 408.05(3)(l) FS. History--New _____.

59B-14.008 Administrative Penalties.

(1) Failure to report as required in this section in whole or in part is subject to administrative fines as provided in Section 408.08(5), Florida Statutes.

(2) The Agency for Health Care Administration shall notify the Office of Insurance Regulation if a health insurer fails to report in whole or in part as provided in Section 408.08(4), Florida Statutes.

Specific Authority 408.061(1)(c) FS. Law Implemented 408.05(3)(l) FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida State Employees	
Charitable Campaign	60L-39
RULE TITLES:	RULE NOS.:
Scope and Purpose	60L-39.001
General Requirements	60L-39.002
Statewide Steering Committee	60L-39.003
Eligibility Criteria for Participation by Charitable Organizations	60L-39.004
Application Procedures	60L-39.005
Duties and Responsibilities of the Fiscal Agent	60L-39.006
Appeals	60L-39.007

PURPOSE AND EFFECT: To consider amendments to the Rules listed above.

SUBJECT AREA TO BE DISCUSSED: Scope and Purpose of Chapter 60L-39, F.A.C., General Requirements, Statewide Steering Committee, Eligibility Criteria for Participation by Charitable Organizations, Application Procedures, Duties and Responsibilities of Fiscal Agent and Appeals.

SPECIFIC AUTHORITY: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

TIME AND DATE: 3:30 p.m. – 5:00 p.m., September 8, 2004

PLACE: 4050 Esplanade Way, Suite 280N, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department of Management Services at least 2 calendar days before the workshop, by contacting: Julie Shaw, Executive ADA Administrator, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Kuczwanski, Chairman, Florida State Employees Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280L, Tallahassee, Florida 32399-0950, (850)414-6736

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Continuing Education Renewal Requirements RULE NO.: 61-20.508

PURPOSE AND EFFECT: To consider changes to continuing education renewal requirements, and conduct a workshop on the rule to that end.

SUBJECT AREA TO BE ADDRESSED: Continuing Education requirements for renewal of licenses.

SPECIFIC AUTHORITY: 468.4315(2), 468.4336, 468.4337 FS.

LAW IMPLEMENTED: 455.2124, 468.4336, 468.4337 FS.

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

TIME AND DATE: 10:00 a.m – 12:00 Noon, Friday, October 8, 2004

PLACE: The Florida Mall Hotel, 1500 Sand Lake Road, Orlando, Florida 32809

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States RULE NO.: 61G1-11.017

PURPOSE AND EFFECT: The Board proposes to add a rule to address the grounds in which a licensee who is the spouse of a member of the U.S. Armed Forces may qualify for exemption from renewal requirements.

SUBJECT AREA TO BE ADDRESSED: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

SPECIFIC AUTHORITY: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-11.017 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States. A licensee who is the spouse of a member of the Armed Forces of the United States and has been caused to be absent from the State of Florida because of their spouse’s duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of their absence from the state and the spouse’s military status.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances RULE NO.: 61G1-12.004

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

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

SPECIFIC AUTHORITY: 455.2273 FS.

LAW IMPLEMENTED: 455.224 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Citations RULE NO.: 61G1-12.005

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.224, 455.225, 481.306 FS.

LAW IMPLEMENTED: 455.224 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: RULE NO.:

Definitions of “Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor” 64B4-11.007

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

SUBJECT AREA TO BE ADDRESSED: Definition of “Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor.”

SPECIFIC AUTHORITY: 491.004(5), 491.005(1) FS.

LAW IMPLEMENTED: 491.005(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: RULE NO.:

Definitions of “Licensed Marriage and Family Therapist with at Least Five Years Experience, or the Equivalent, Who is a Qualified Supervisor” 64B4-21.007

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

SUBJECT AREA TO BE ADDRESSED: Definition of “Licensed Marriage and Family Therapist with at Least Five Years Experience, or the Equivalent, Who is a Qualified Supervisor.”

SPECIFIC AUTHORITY: 491.003(3), 491.004(5), 491.005(3)(c) FS.

LAW IMPLEMENTED: 491.005(3)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: RULE NO.:

Definitions of “Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor” 64B4-31.007

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

SUBJECT AREA TO BE ADDRESSED: Definition of “Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor.”

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 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 Hearing Aid Specialists**

RULE TITLE: Posting of Prices
RULE NO.: 64B6-6.009

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

SUBJECT AREA TO BE ADDRESSED: Posting of prices.

SPECIFIC AUTHORITY: 484.044 FS.

LAW IMPLEMENTED: 484.051 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: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-6.009 Posting of Prices.

(1) No change.

(2) Notice of availability of itemization of purchase price shall be displayed in an area easily visible to the prospective client by one of the following:

(a) through (b) No change.

Specific Authority 484.044 FS. Law Implemented 484.051 FS. History--New 8-12-87, Formerly 21JJ-6.008, 61G9-6.008, Amended _____.

**DEPARTMENT OF HEALTH
Board of Hearing Aid Specialists**

RULE TITLE: Fraudulent, False, Deceptive or
RULE NO.: 64B6-7.004

Misleading Advertising

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

SUBJECT AREA TO BE ADDRESSED: Fraudulent, false, deceptive or misleading advertising.

SPECIFIC AUTHORITY: 456.077, 484.044 FS.

LAW IMPLEMENTED: 456.077, 484.056(1)(f) 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: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-7.004 Fraudulent, False, Deceptive or Misleading Advertising.

An advertisement or advertising is fraudulent, false, deceptive or misleading if it:

(1) through (2) No change.

(3) Is misleading or deceptive because its content or the context in which it is presented makes only a partial disclosure of relevant facts.

(a) Specifically, it is misleading and deceptive to advertise a discounted price, ~~without identifying either in the advertisement or at the store or other location where sales of products or services take place, the specific product or service against which the discounted price applies and without specifying either in the advertisement or at the store or other location where sales of products or services take place,~~ without specifying the usual price for the product or services identified either in the advertisement or at the store or other location where sales of product or services take place.

(b) No change.

(4) through (6) No change.

Specific Authority 484.044 FS. Law Implemented 484.056(1)(f) FS. History--New 8-12-87, Amended 10-15-90, Formerly 21JJ-7.007, 61G9-7.007, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE TITLES:	RULE NOS.:
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Mental Health Personnel	65E-5.115
Forms	65E-5.120
Continuity of Care Management System	65E-5.130
Transfer Evaluations for Admission to State Mental Health Treatment Facilities from Receiving Facilities	65E-5.1301
Admissions to State Treatment Facilities	65E-5.1302
Discharge from Receiving and Treatment Facilities	65E-5.1303
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Rights of Persons	65E-5.140
Person's Right to Individual Dignity	65E-5.150
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Clinical Records; Confidentiality	65E-5.250
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Eligibility Criteria and Procedures for Designation of Baker Act Receiving Facilities 65E-5.350

Minimum Standards for Designated Receiving Facilities 65E-5.351

Procedures for Complaints and Investigations in Receiving Facilities 65E-5.352

Criteria and Procedures for Suspension or Withdrawal of Designation of Receiving Facilities 65E-5.353

Baker Act Funded Services Standards 65E-5.400

PURPOSE AND EFFECT: Chapter 65E-5, Florida Administrative Code, with its Baker Act Forms included by reference, is being revised to comply with the new Chapter 2004-385, Laws of Florida, (amends Chapter 394, Part I, F.S., the Baker Act) requirements for involuntary outpatient placement.

SUBJECT AREA TO BE ADDRESSED: Revision of Chapter 65E-5, Florida Administrative Code, Mental Health Act Regulation.

1. Development of involuntary outpatient rules to conform to Chapter 2004-385, Laws of Florida, (amends Chapter 394, Part I, F.S., the Baker Act) requirements.
2. Revision of Baker Act forms to incorporate involuntary outpatient placement law requirements, add clarifying language, and include "person first" language.
3. Clarification of existing rule language.
4. Revision of existing rule language to conform to "person first" language.

SPECIFIC AUTHORITY: Chapter 2004-385, Section 10, L.O.F., 394.453, 394.455, 394.457(1),(3),(5),(c),(6)(a), 394.4598, 394.461(4), 394.4615, 394.463, 394.4655, 394.467 FS.

LAW IMPLEMENTED: 90, 117.05(5)(b)2., 316, 394.455(9),(17),(19),(25),(29), 394.457, 394.4573, 394.459, 394.4598, 394.461(4), 394.4615, 394.462, 394.4625, 394.463, 394.4625, 394.4655, 394.467, 394.468, 394.469, 395, 415, 458.331, 765, 817.505 FS.

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

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

PLACE: Building 4, Winewood Office Complex, 1317 Winewood Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ron Kizirian, Government Operations Consultant II, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 211, Tallahassee, Florida 32399-0700, (850)413-0928

Any person may submit information regarding the proposed rule development to the above name and address.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-5.100 Definitions.

As used in this chapter the following words and phrases have the following definitions:

(1) Advance directive means a witnessed written document described in Section 765.101, F.S.

(2) Administrator means the chief administrative officer of a receiving or treatment facility or service provider or his or her designee.

(3)(2) Assessment means the systematic collection and integrated review of individual-specific data. It is the process by which individual-specific information such as examinations and evaluations are gathered, analyzed, monitored and documented to develop the person's patient's individualized plan of treatment and to monitor ~~progress toward~~ recovery. Assessment specifically includes efforts to identify the person's key medical and psychological needs, competency to consent to treatment, patterns of a co-occurring mental illness and substance abuse, as well as clinically significant neurological deficits, traumatic brain injury, organicity, physical disability, developmental disability, need for assistive devices, and physical or sexual abuse or trauma.

(4)(3) Brief isolation means an involuntarily imposed isolation or segregation of the person patient from others, not requiring a physician's, ~~as defined in Section 394.455(21), F.S.,~~ order, such as time-out types of intervention but which cannot include closed or locked doors.

(5)(4) Case manager means a person employed as defined in Section 394.4573(1)(b), F.S.; also known as a care manager.

(6)(5) Discharge plan means the plan developed with and by the person patient which sets forth how the person patient will meet his or her needs, including living arrangements housing, transportation, aftercare, physical health, and securing needed psychotropic medications for the post-discharge period of up to 21 days.

(7)(6) Emergency treatment order (ETO) means the written emergency order prepared by a physician utilized in response to a person patient presenting an imminent danger to himself or others. The order shall be consistent with the most integrated least restrictive treatment requirements that authorizes the use of specific emergency medical psychiatric treatment interventions including the emergency administration of medications or the emergency imposition of restraints or seclusion, including one-on-one counseling. The issuance of an order for such extraordinary measures requires a medical review of the person's patient's condition for causal medical factors, such as insufficiency of medication blood levels, medication interactions with psychiatric or other medications, side effects or adverse reactions to medications, organic or disease or medication based metabolic imbalances or toxicity, or other biologically based or influenced symptoms; therefore, all emergency treatment orders may only

be written by physicians individuals possessing the prerequisite clinical medical capacity to comprehensively integrate such issues, and who are licensed under the authority of Chapter 458 or 459, F.S. Those individuals must review, integrate and subsequently comprehensively respond to such metabolic balances in the issuance of an emergency treatment order amending the person's patient's immediate course of treatment. The use of an emergency treatment order, consistent with the most integrated least restrictive treatment requirements, for persons patients includes:

(a) Absent more appropriate interventions, ETO for immediate administration of rapid response psychotropic medications to a person patient to expeditiously treat symptoms that if left untreated, present an immediate danger to the safety of the person patient or other individuals persons in the facility.

(b) Absent more appropriate medical interventions, ETO for restraint or seclusion of a person patient to expeditiously treat symptoms that if left untreated, present an imminent danger to the safety of the person patient or persons in the facility, ~~absent more appropriate medical interventions~~.

(c) ETO, as used in this chapter, excludes the implementation of individualized behavior management programs as described and authorized in Rule 65E-5.1602, F.A.C., of this rule.

(8)(7) Examination means the integration of the medical physical examination required under Section 394.459(2), F.S., with other diagnostic activities to determine if the person patient is medically stable and to rule out abnormalities of thought, mood, or behavior that mimic psychiatric symptoms but are due to non-psychiatric medical causes such as disease, infection, injury, toxicity, or metabolic disturbances. Examination includes the identification of person-specific risk factors for treatment such as elevated blood pressure, organ dysfunction, substance abuse, or trauma.

(9)(8) Health care proxy means a competent adult who has not been expressly designated by an advance directive to make health care decisions for a particular incapacitated individual, but is authorized pursuant to Section 765.401, F.S., to make health care decisions for such individual.

(10)(9) Health care surrogate means any competent adult expressly designated by a principal's advance directive to make health care decisions on behalf of the principal upon the principal's incapacity.

(11) Mental Health Counselor means an individual who is licensed as a mental health counselor under Chapter 491, F.S.

(12) Most Integrated means interventions that promote or are most conducive to the person's recovery and involve the least institutional settings conducive to the success of the person.

(13) Person means an individual served in or by a mental health facility or provider.

~~(14)~~(10) PRN means an individualized order for the care of an individual person patient which is written after the person patient has been seen by the practitioner, which order sets parameters for attending staff to implement according to the circumstances set out in the order. PRNs for the use of seclusion or restraints are not permitted.

~~(15)~~(11) Protective medical devices mean a specific special category of restraint that includes devices, or combinations of devices, to restrict movement for purposes of protection from falls or complications of physical care, such as geri-chairs, posey vests, mittens, belted wheelchairs, sheeting, and bed rails. The requirements for the use and documentation of use of these devices are for specific medical purposes rather than for behavioral control ~~different from the general requirements for the use of restraint in this rule.~~

~~(16)~~(12) Restraint means the immobilization of a person's body in order to restrict free movement or range of motion, whether by physical holding or by use of a mechanical device. For purposes of this chapter, restraint includes all applications of such procedures, specifically including emergency treatment orders and emergency medical procedures which includes protective medical devices for ambulating safety, or furniture used to protect mobility-impaired persons from falls and injury. The use of walking restraints when used during transportation under the supervision of trained staff is not considered restraint.

~~(17)~~(13) Seclusion means an emergency response in which, as a means of controlling a person's patient's immediate symptoms or behavior, the person's patient's ability to move about freely has been limited by staff or in which a person patient has been physically segregated in any fashion from other persons patients. Seclusion is an involuntarily imposed closed door or locked door isolation of the person patient from others and requires a written order by a physician, ~~as defined in Section 394.455(21), F.S.,~~ except as described and authorized in Rule 65E-5.1602, F.A.C., of this rule chapter.

~~(18)~~(14) Standing order means a broad protocol or delegation of medical authority that is generally applicable to specific persons ~~a population of patients~~, hence not individualized. As limited by this chapter, it prohibits improper delegations of authority to staff that are not authorized by the facility, or not permitted by practice licensing laws, to independently make such medical decisions; such as decisions involving determination of need, medication, routes, dosages for psychotropic medication, or use of restraints or seclusion upon a person patient.

Specific Authority 394.457(5) FS., Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.457, 394.459, 394.4625, 394.4655, 394.467 FS. History--New 11-29-98, Amended _____.

65E-5.110 Delegation of Authority.

In order to protect the health and safety of persons patients treated in or served by any receiving or treatment facility or any service provider, any delegation of an administrator's

authority pursuant to Chapter 394, F.S., or these rules shall be documented in writing prior to exercising the delegated authority. Routine delegations of authority shall be incorporated in the facility's written policies.

Specific Authority 394.457(5) FS., Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.457(5)(a), 394.4655 FS. History--New 11-29-98, Amended _____.

65E-5.115 Mental Health Personnel.

Whenever the term physician, psychiatrist, clinical psychologist, clinical social worker, psychiatric nurse, or mental health counselor is used in these rules, the term is as defined in Section 394.455, F.S., or these rules.

Specific Authority 394.457(5) FS., Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.457(5)(a) FS. History--New _____.

65E-5.120 Forms.

All forms referred to in this chapter are available from the department's website, <http://www.dcf.state.fl.us/mentalhealth/laws/baform2004.pdf>, or may be obtained from the department's district or regional mental health program offices ~~by requesting a copy of the booklet entitled, "Baker Act Forms"~~. Single copies of the forms or a disk containing electronic copies of all the forms are also available from district or regional offices. Recommended forms are those which are not required by the department but which have been determined to satisfy the specific requirements for which the form was developed. Mandatory forms may not be altered.

Specific Authority 394.457(5) FS. Law Implemented 394.457(5) FS. History--New 11-29-98, Amended _____.

65E-5.130 Continuity of Care Management System.

Persons receiving care ease management services.

(1) At the time of admission and continuing until successfully determined, receiving facilities shall inquire of the person patient or significant others as to the existence of any advance directives and as to the identity of the person's care patient's ease manager. If a care ease manager for the person patient is identified, the administrator or designee shall request the person's patient's authorization to notify the person's care patient's ease manager or the care ease management agency of the person's patient's admission to the facility. If authorized, such notification shall be made within 12 hours to the published 24-hour telephone listing for the care ease manager or care ease management agency. This inquiry, notification, and the identity of the care ease manager or care ease management agency, if any, shall be documented on the face sheet or other prominent location in the person's patient's clinical record.

(2) A department funded mental health care ease manager, when notified by a receiving facility that a client has been admitted, shall visit that person patient as soon as possible but no later than two working days after notification to assist with discharge and aftercare planning to the most integrated least restrictive, appropriate and available placement. If the person

~~patient~~ is located in a receiving facility outside of the ~~care ease~~ manager's district of residence, the department funded mental health ~~care ease~~ manager may substitute a telephone contact for a face-to-face visit which shall be documented in the ~~care ease~~ management record and in the ~~person's patient's~~ clinical record at the receiving facility.

Specific Authority 394.457(5) FS. Law Implemented 394.457(2) FS. History—New 11-29-98, Amended.

65E-5.1301 Transfer Evaluations for Admission to State Mental Health Treatment Facilities from Receiving Facilities.

(1) A person in a receiving facility ~~civil patient~~ shall not be transferred to a state treatment facility without the completion of a transfer evaluation, in accordance with Section 394.461(2), F.S., using mandatory form CF-MH 3089, Jan 05 98, "Transfer Evaluation," which is hereby incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~. The process for conducting such transfer evaluations shall be developed by the community mental health center or clinic and be approved by the district or regional office of the department where the center or clinic is located and shall include:

(a) Designation of the contracted mental health centers or clinics that are responsible for conducting the transfer evaluations, including the receiving facilities or persons patients for which each center or clinic is responsible;

(b) Establishment of the time within which a mandatory form CF-MH 3089, "Transfer Evaluation," as referenced in subsection 65E-5.1301(1), F.A.C., shall be completed. This form shall be completed by the designated community mental health center and submitted to the court for all persons patients for whom involuntary placement in a state treatment facility is sought, and directly to the state treatment facility for all persons patients for whom voluntary admission is sought; and

(c) Specification of the minimum training and education of the persons qualified to conduct the transfer evaluations and the training and educational qualifications of the evaluators' immediate supervisor. Unless otherwise established in writing by the district, the evaluator shall have at least a bachelor's degree and the immediate supervisor a master's degree in a clinical or human services area of study.

(2) A community mental health center or clinic shall evaluate each person patient seeking voluntary admission to a state treatment facility and each person patient for whom involuntary placement in a state treatment facility is sought, to determine and document:

(a) Whether the person meets the statutory criteria for admission to a state treatment facility; and

(b) Whether there are ~~appropriate~~ more ~~socially~~ integrated and ~~less restrictive~~ mental health treatment resources available to meet the person's patient's needs.

(3) Following an evaluation of the person patient, the executive director of the community mental health center or clinic shall recommend the admission to a state treatment facility or, if criteria for involuntary placement are not met, to alternative treatment programs and shall document that recommendation by completing and signing the form CF-MH 3089, "Transfer Evaluation," as referenced in subsection 65E-5.1301(1), F.A.C.

(a) The executive director's responsibility for completing and signing mandatory form CF-MH 3089, "Transfer Evaluation," as referenced in subsection 65E-5.1301(1), F.A.C., may be delegated in writing to the chief clinical officer of the center or clinic.

(b) An original signature on the mandatory form CF-MH 3089, "Transfer Evaluation," as referenced in subsection 65E-5.1301(1), F.A.C., is required.

(c) A copy of the mandatory form CF-MH 3089, "Transfer Evaluation," as referenced in subsection 65E-5.1301(1), F.A.C., shall be retained in the files of the community mental health center or clinic.

(d) The completed and signed mandatory form CF-MH 3089, "Transfer Evaluation," as referenced in subsection 65E-5.1301(1), F.A.C., shall be forwarded to the court before the hearing at which a person's patient's involuntary placement in a state treatment facility will be considered. The evaluator, or in the absence of the evaluator, another knowledgeable staff person employed by the community mental health center or clinic, shall be present at any hearing on involuntary placement in a state treatment facility to provide testimony as desired by the court.

Specific Authority 394.457(5) FS. Law Implemented 394.455(29) FS. History—New 11-29-98, Amended.

65E-5.1302 Admissions to State Treatment Facilities.

(1) Receiving facilities must obtain approval from the state treatment facility prior to the transfer of a person patient. A state treatment facility shall be permitted to accept persons patients for transfer from a receiving facility if the administrator of the receiving facility has provided the following documentation, ~~in advance of a pre-admission staffing~~, which documentation shall be retained in the person's patient's clinical record:

(a) Use of recommended form CF-MH 7000, Jan 05 98, "State Mental Health Facility Admission Form," with all required attachments, which is hereby incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, will be considered by the department to be sufficient for documentation;

(b) Use of recommended forms CF-MH 3040, Jan 05 98, "Application for Voluntary Admission," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, or CF-MH 3008, Jan 05 98, "Order for

Involuntary Inpatient Placement,” which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient for documentation; and

(c) Mandatory form CF-MH 3089, “Transfer Evaluation” as referenced in subsection 65E-5.1301(1), F.A.C.

(2) Use of recommended form CF-MH 7002, Jan 05 98, “Physician to Physician Transfer,” which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient for documentation when completed by the referring physician, ~~as defined in Section 394.455(21), F.S.~~, or in the absence of the referring physician, ~~as defined in Section 394.455(21), F.S.~~, the designated shift charge nurse on duty at the time of transfer. The form shall accompany the person patient to the state treatment facility and upon arrival shall be presented to admitting staff.

(3) If a person patient awaiting transfer to a state treatment facility improves to the degree that he or she no longer meets the criteria for involuntary placement or that such transfer is unnecessary, the receiving facility shall discharge the person patient as specified in Section 394.469, F.S.

Specific Authority 394.457(5) FS. Law Implemented 394.4573(2) FS. History—New 11-29-98, Amended _____.

65E-5.1303 Discharge from Receiving and Treatment Facilities.

(1) Before discharging a person patient who has been admitted to a facility, the person patient shall be encouraged to actively participate in treatment and discharge planning activities and shall be notified in writing of his or her right to seek treatment from the professional or agency of the person’s patient’s choice and the person patient shall be assisted in making appropriate discharge plans. The person patient shall be advised that, pursuant to Section 394.460, F.S., no professional is required to accept persons patients for psychiatric treatment.

(2) Discharge planning shall include and document consideration of the following:

(a) The person’s patient’s transportation resources;

(b) The person’s patient’s access to stable living arrangements housing;

(c) How assistance in securing needed living arrangements housing or shelter will be provided to individuals who are at risk of re-admission within the next three weeks due to homelessness or transient status and prior to discharge shall request a commitment from a shelter provider that assistance will be rendered;

(d) Assistance in obtaining a timely aftercare appointment for needed services, including ~~medically appropriate~~ continuation of prescribed psychotropic medications. Aftercare

appointments for medication and care ease management shall be requested to occur not later than 7 days after the expected date of discharge; if the discharge is delayed, the facility will notify the aftercare provider. The facility shall coordinate with the aftercare service provider and shall document the aftercare planning;

(e) To ensure a person’s patients’ safety and provide continuity of essential psychotropic medications, such prescribed psychotropic medications, prescriptions, or multiple partial prescriptions for psychotropic medications, or a combination thereof, shall be provided to a person when discharged discharged patient to cover the intervening days until the first scheduled medication aftercare appointment, or for a period of up to 21 calendar days, whichever occurs first. Discharge planning shall address the availability of and access to prescribed psychotropic medications in the community;

(f) The person patient shall be provided given education and written information about his or her their illness and their psychotropic medications including other prescribed and over-the-counter medications, the common side-effects of any medications prescribed and any adverse clinically significant drug-to-drug interactions common between that medication and other commonly available prescribed and over-the-counter medications;

(g) The person shall be provided contact and program information about and referral to any community-based peer support services in the community;

(h) The person shall be provided contact and program information about and referral to any needed community resources; and

(i) Referral to substance abuse treatment programs, trauma or abuse recovery focused programs, or other self-help groups, if indicated by assessments.

(j) The person shall be provided information about advance directives, including how to prepare and use the advance directives.

(3) Should a person in a receiving or treatment facility meet the criteria for involuntary outpatient placement rather than involuntary inpatient placement, the facility administrator may initiate such involuntary outpatient placement, pursuant to Section 394.4655, F.S., and Rule 65E-5.290, F.A.C.

Specific Authority 394.457(5) FS., Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.4573(2), 394.4655(1) FS. History—New 11-29-98, Amended _____.

65E-5.1304 Discharge Policies of Receiving and Treatment Facilities.

Receiving and treatment facilities shall have written discharge policies and procedures which shall contain:

(1) Agreements or protocols for transfer and transportation arrangements between facilities;

(2) Protocols for assuring that current medical and legal information, including day of discharge medication administered, is transferred before or with the person patient to another facility; and

(3) Policy statements which reflect cooperation with local publicly-funded mental health and substance abuse providers and which will both facilitate access by publicly funded care case managers, as designated by the department's district or regional Mental Health and Substance Abuse Program Supervisor district administrator, and ensure enhance the continuity of services and access to necessary psychotropic medications within the time necessary to avoid interruption of recovery.

Specific Authority 394.457(5) FS. Law Implemented 394.459(11) FS. History—New 11-29-98, Amended.

65E-5.1305 Discharge from a State Treatment Facility.

(1) When a state treatment facility has established an anticipated discharge date for discharge to the community which is more than seven days in advance of the person's patient's actual discharge, at least seven days notice must be given to the community agency which has been assigned care case management responsibility for the implementation of the person's patient's discharge plan. Use of recommended form CF-MH 7001, Jan 05 98, "State Mental Health Facility Discharge Form," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient.

(2) On the day of discharge from a state treatment facility, the referring physician, as defined in Section 394.455(21), F.S., or, in the absence of the physician, as defined in Section 394.455(21), F.S., the designated charge nurse, shall immediately notify the community aftercare provider or entity responsible for dispensing or administering medications. Use of recommended form CF-MH 7002, "Physician to Physician Transfer," as referenced in subsection 65E-5.1302(2), F.A.C., will be considered by the department to be sufficient.

Specific Authority 394.457(5) FS. Law Implemented 394.4573, 394.459(11), 394.468 FS. History—New 11-29-98, Amended.

65E-5.140 Rights of Persons Patients.

(1) Every person patient admitted to a designated receiving or treatment facility or ordered to treatment at a service provider shall be provided with a written description of his or her their rights at the time of admission. Use of recommended form CF-MH 3103, Jan 05 98, "Rights of Persons in Mental Health Facilities and Programs Patients," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient. A copy of the rights statement, signed by the person patient evidencing receipt of the copy, shall be placed in the person's patient's clinical record and

shall also be provided to the person's patient's guardian, guardian advocate, representative, and health care surrogate or proxy.

(2) To assure that persons patients have current information as to their rights as a mental health patient, a copy of the Florida Mental Health Act (Chapter 394, part I, Florida Statutes) and Mental Health Act Regulations (Chapter 65E-5, Florida Administrative Code) shall be available, and provided upon request, in every psychiatric unit of each receiving and treatment facility and by each service provider and, upon request shall be made available for review by any person patient, guardian, guardian advocate, representative, or health care surrogate or proxy. The administrator or designee of the facility or service provider shall make physicians, as defined in Section 394.455(21), F.S., nurses, and all other direct service staff aware of the location of these documents so they are able to promptly access them upon request.

(3) Patient Rights posters, including those with telephone numbers for the Florida Abuse Hotline, Florida Local Advocacy Council Human Rights Advocacy Committee, and the Advocacy Center for Persons with Disabilities, shall be legible, a minimum of 14 point font size, and shall be posted immediately next to telephones which are available for persons served by the facility or provider patient use.

(4) Each person patient shall be afforded the opportunity to exercise his or her their rights in a manner consistent with Section 394.459(1), F.S. The imposition of individual or unit restrictions and the development of unit policies and procedures shall address observance of protecting rights of persons served patient's rights in developing criteria or processes to provide for patient care and safety.

Specific Authority 394.457(5) FS. Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.459(12), 394.4655 FS. History—New 11-29-98, Amended.

65E-5.150 Person's Patient's Rights to Individual Dignity.

(1) To preserve a person's patient's right to freedom of movement, and where consistent with the clinical condition of the person individual patient, receiving and treatment facilities shall maximize and document patient access to fresh air, sunshine and exercise for persons served within the facility's physical capabilities and management of risks. When accommodated by a suitable area is immediately adjacent to the unit, the staff shall afford each person patient shall be afforded an opportunity to spend at least one half hour per day in an open, out of doors, fresh air activity area, unless there is a physician's, as defined in Section 394.455(21), F.S., order prohibiting this, with documentation in the person's clinical record of the clinical reasons that access to fresh air will not be accommodated is not appropriate.

(2) Use of specific special clothing for identification purposes such as surgical scrubs or hospital gowns to identify persons patients who are in need of specific special precautions or behavior modification restrictions is prohibited as a

violation of individual patient dignity. Prison or jail attire shall not be permitted for persons admitted or retained in a receiving facility except while accompanied by a uniformed law enforcement officer, for purposes of security. Under non-psychiatric medical circumstances, use of specific special clothing may be ordered by the person's patient's physician, ~~as defined in Section 394.455(21), F.S.~~, on an individual basis. Documentation of the circumstances shall be included in the person's patient's clinical record.

Specific Authority 394.457(5) FS. Law Implemented 394.459(1) FS. History—New 11-29-98, Amended _____.

65E-5.160 Right to Treatment.

(1) Persons shall have the opportunity to participate in the preparation of their own treatment and discharge plans at receiving and treatment facilities and service providers. In instances when the person patient refuses or is unable to participate in such planning, such refusal or inability shall be documented in the person's patient's clinical record.

(2) Comprehensive service assessment and treatment planning, including discharge planning, shall begin the day of admission and shall also include the person's care case patient's manager if any, the person's friends, patient's family, significant others, or guardian, as desired by the person patient. If the person has a court appointed guardian, the guardian shall be included in the service assessment and treatment planning. Obtaining legal consent for treatment, assessment and planning protocols shall also include the following:

(a) How any advance directives will be obtained and their provisions addressed and how consent for treatment will be expeditiously obtained for any person unable to provide consent;-

(b) Completion of necessary diagnostic testing and the integration of the results and interpretations from those tests, ~~including the individual's strengths and weaknesses;~~ The results and interpretation of the results shall be reviewed with the person;

(c) The development of treatment goals specifying the factors and symptomology precipitating admission and addressing their resolution or mitigation;-

(d) The development of a goal within an individualized treatment plan, including the individual's strengths and weaknesses, that addresses each of the following: living arrangements housing, social supports, financial supports, and health, including mental health. Goals shall be inclusive of person's patient choices and preferences and utilize available natural social supports such as family, friends, and peer support group meetings and social activities;

(e) Objectives for implementing each goal shall list the actions needed to obtain the goal, and shall be stated in terms of outcomes that are observable, measurable, and time-limited;

(f) Progress notes shall be dated and shall address each objective in relation to the goal, describing the corresponding progress, or lack of progress being made. Progress note entries and the name and title of writer must be clearly legible;

(g) Periodic reviews shall be comprehensive, include the person, and shall be the basis for major adjustments to goals and objectives. Frequency of periodic reviews shall be determined considering the degree to which the care provided is acute care and the projected length of stay of the person patient;

(h) Progress note observations, participation by the person, rehabilitative and social services, and medication changes shall reflect an integrated approach to treatment;

(i) Facilities shall update the treatment plan, including the physician, ~~as defined in Section 394.455(21), F.S.~~, summary, at least every 30 days during the person's patient's hospitalization except that persons patients retained for longer than 24 months shall have updates at least every 60 days;-

(j) Service providers treating persons on involuntary outpatient placement orders shall update the treatment plan, in consultation with the person or his or her substitute decision-maker at least every three months. The court shall be notified of any material modification of the plan to which the person or substitute decision-maker is in agreement. Any material modifications of the treatment plan that are contested by the person or substitute decision-maker must be approved or disapproved by the court in advance of the modification.

(k)(j) The clinical record shall comprehensively document the person's patient's care and treatment, including injuries sustained and all uses of emergency treatment orders;- and

(l)(k) Persons Patients who will have a continued involuntary outpatient placement hearing pursuant to Section 394.4655(7), F.S., or continued involuntary inpatient placement hearing pursuant to Section 394.467(7), F.S., shall be provided with comprehensive re-assessments, the results of which shall be available at the hearing.

Specific Authority 394.457(5) FS., Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.459(2), 394.4655 FS. History—New 11-29-98, Amended _____.

65E-5.1601 General Management of the Treatment Environment.

(1) Management and personnel of the facility's treatment environment shall use positive incentives in assisting persons patients to acquire and maintain socially positive appropriate behaviors as determined by the person's patient's age and developmental level.

(2) Each designated receiving and treatment facility shall develop a schedule of daily activities listing the times for specific events, which shall be posted in a common area and provided to all persons patients.

(3) Interventions such as the loss of personal freedoms, loss of earned privileges or denial of activities otherwise available to other persons ~~patients~~ shall be minimized and utilized only after the documented failure of the unit's positive incentives for the individuals involved.

(4) Facilities shall ensure that any verbal or written information provided to persons must be accessible in the language and terminology the person understands.

Specific Authority 394.457(5) FS. Law Implemented 394.459(2),(11) FS. History--New 11-29-98, Amended.

65E-5.1602 Individual Behavioral Management Programs.

When an individualized treatment plan requires interventions beyond the existing unit rules of conduct, the person following shall be included, ~~and in the person's patient's treatment plan shall reflect for such interventions:~~

(1) Documentation, signed by the physician, ~~as defined in Section 394.455(21), F.S.,~~ that the person's patient's medical condition does not exclude the proposed interventions;

(2) Consent for the treatment to be provided;

(3) A general description of the behaviors requiring the intervention, which may include previous emergency interventions;

(4) Antecedents of that behavior;

(5) The events immediately following the behavior;

(6) Objective definition of the specific target behaviors, such as specific acts, level of aggression force, encroachment on others' space, self-injurious behavior or excessive withdrawal;

(7) Arrangements for the consistent collection and recording of data;

(8) Analysis of data;

(9) Based on data analysis, development of intervention strategies, if necessary;

(10) Development of a written intervention strategy that includes criteria for starting and stopping specific staff interventions and the process by which they are to occur;

(11) Continued data collection, if interventions are implemented; and

(12) Periodic review and revision of the plan based upon data collected and analyzed.

Specific Authority 394.457(5) FS. Law Implemented 394.459(2),(11) FS. History--New 11-29-98, Amended.

65E-5.170 Right to Express and Informed Consent.

(1) Establishment of Consent.

(a) Receiving Facilities. As soon as possible, but in no event longer than 24 hours from entering a designated receiving facility on a voluntary or involuntary basis, each person patient shall be examined by the admitting physician, ~~as defined in Section 394.455(21), F.S.,~~ to assess determine the person's patient's ability to provide express and informed consent to admission and treatment. The examination of a

minor for this purpose may be limited to the documentation of the minor's age. The examination of a person alleged to be incapacitated for this purpose may be limited to the documentation of letters of guardianship. Documentation of ~~the assessment results this determination~~ shall be placed in the person's patient's clinical record. The facility shall determine whether a person patient has been adjudicated as incapacitated and whether a guardian has been appointed by the court. If a guardian has been appointed by the court, the limits of the authority of the guardian shall be determined prior to allowing the guardian to authorize treatment. A copy of any court order delineating a guardian's authority to consent to mental health or medical treatment shall be obtained by the facility and included in the person's patient's clinical record prior to allowing the guardian to give express and informed consent to treatment for the person patient.

(b) Treatment Facilities. Upon entering a designated treatment facility on a voluntary or involuntary basis, each person patient shall be examined by the admitting physician, ~~as defined in Section 394.455(21), F.S.,~~ to assess determine the person's patient's ability to provide express and informed consent to admission and treatment, which shall be documented in the person's patient's clinical record. The examination of a person alleged to be incapacitated or incompetent to consent to treatment, for this purpose, may be limited to documenting the letters of guardianship or order of the court. If a person patient has been adjudicated as incapacitated and a guardian appointed by the court or if a person patient has been found to be incompetent to consent to treatment and a guardian advocate has been appointed by the court, the limits of authority of the guardian or guardian advocate shall be determined prior to allowing the guardian or guardian advocate to authorize treatment for the person patient. A copy of any court order delineating a guardian's authority to consent to mental health or medical treatment shall be obtained by the facility and included in the person's patient's clinical record prior to allowing the guardian to give express and informed consent to treatment for the person patient.

(c) If the admission is voluntary, the person's patient's competence to provide express and informed consent for admission shall be documented by the admitting physician, ~~as defined in Section 394.455(21), F.S.~~ Use of recommended form CF-MH 3104, Jan 05 98, "Certification of Person's Patient's Competence to Provide Express and Informed Consent," which is incorporated by reference as if fully set out here-and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office,~~ will be considered by the department to be sufficient. The completed form or other documentation shall be retained in the person's patient's clinical record. Facility staff monitoring the person's patient's condition shall document any observations which suggest that a person patient may no longer be competent to provide express and informed consent to his or her treatment. In such circumstances, staff shall notify the physician, ~~as~~

~~defined in Section 394.455(21), F.S., and document in the person's patient's clinical record that the physician, as defined in Section 394.455(21), F.S., was notified of this apparent change in clinical condition.~~

(d) In the event a change in the ability of a person on voluntary status ~~a voluntary patient's clinical status~~ affects his or her ~~the patient's~~ competence to provide express and informed consent to treatment, the change shall be immediately documented in the person's patient's clinical record. A person's refusal to consent to treatment is not, in itself, an indication of incompetence to consent to treatment.

1. If the person patient is determined to be competent to consent to treatment and meets the criteria for involuntary inpatient placement, the facility administrator shall file with the court a petition for involuntary placement. Use of recommended form CF-MH 3032, Jan 05 98, "Petition for Involuntary Inpatient Placement," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient.

2. If the person patient is incompetent to consent to treatment, and meets the criteria for involuntary inpatient placement, the facility administrator shall expeditiously file with the court both a petition for the adjudication of incompetence to consent to treatment and appointment of a guardian advocate, and a petition for involuntary inpatient placement. Upon determination that a person patient is incompetent to consent to treatment the facility shall expeditiously pursue the appointment of a duly authorized substitute decision-maker that can make legally required decisions concerning treatment options or refusal of treatments for the person patient. Use of recommended forms CF-MH 3106, Jan 05 98, "Petition for Adjudication of Incompetence to Consent to Treatment and Appointment of a Guardian Advocate," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, and CF-MH 3032, "Petition for Involuntary Inpatient Placement," as referenced in subparagraph 65E-5.170(1)(d)1., F.A.C. or CF-MH 3130 "Petition for Involuntary Outpatient Placement," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient.

(e) Competence to provide express and informed consent shall be established and documented in the person's patient's clinical record prior to the approval of a person's patient's transfer from involuntary to voluntary status or prior to permitting a person patient to consent to his or her own treatment if that person patient had been previously determined to be incompetent to consent to treatment. Use of recommended form CF-MH 3104, "Certification of Person's Patient's Competence to Provide Express and Informed

Consent," as referenced in paragraph 65E-5.170(1)(c), F.A.C., properly completed by a physician, ~~as defined in Section 394.455(21), F.S.~~, will be considered by the department to be sufficient.

(f) Any guardian advocate appointed by a court to provide express and informed consent to treatment for the person patient shall be discharged and a notice of such guardian advocate discharge provided to the court upon the establishment and documentation that the person patient is competent to provide express and informed consent.

(g) If a person patient entering a designated receiving or treatment facility has been adjudicated incapacitated under Chapter 744, F.S., as described in Section 394.455(14), F.S., express and informed consent to treatment shall be sought from the person's patient's guardian.

(h) If a person patient entering a designated receiving or treatment facility has been determined by the attending physician ~~and another physician, as defined in Section 394.455(21), F.S.~~, to be incompetent to consent to treatment as defined in Section 394.455(15), F.S., express and informed consent to treatment shall be expeditiously sought by the facility from the person's patient's guardian advocate or health care surrogate or proxy.

(i) A copy of the letter of guardianship, court order, or advance directive shall be reviewed by facility staff to ensure that the substitute decision-maker has the authority to provide consent to the recommended treatment on behalf of the person patient. If the facility relies upon the expression of express and informed consent for person patient treatment from a substitute decision-maker, a copy of this documentation shall be placed in the person's patient's clinical record and shall serve as documentation of the substitute decision-maker's authority to give such consent. With respect to a health care proxy, where no advance directive has been prepared by the person patient, facility staff shall document in the person's patient's clinical record that the substituted decision-maker was selected in accordance with the list of persons and using the priority set out in Section 765.401, F.S. When a health care surrogate or proxy is used, the facility shall immediately file a petition for the appointment of a guardian advocate.

(2) Authorization for Treatment.

(a) Express and informed consent, including the right to ask questions about the proposed treatment, to receive complete and accurate answers to those questions, and to negotiate treatment options, shall be obtained from a person patient who is competent to consent to treatment. If the person patient is incompetent to consent to treatment, such express and informed consent shall be obtained from the duly authorized substitute decision-maker for the person patient before any treatment is rendered, except where emergency treatment is ordered by a physician, ~~as defined in Section 394.455(21), F.S.~~, for the safety of the person patient or others.

(b) A copy of information disclosed while attempting to obtain express and informed consent shall be given to the person patient and to any substitute decision-maker authorized to act on behalf of the person patient.

(c) When presented with an event or an alternative which requires express and informed consent, the competent person patient or, if the person patient is incompetent to consent to treatment, the duly authorized substitute decision-maker, shall provide consent to treatment, refuse consent to treatment, negotiate treatment alternatives, or revoke consent to treatment. Use of recommended forms CF-MH 3042a, Jan 05 98, "General Authorization for Treatment Except Psychotropic Medications," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, and CF-MH 3042b, Jan 05 98, "Specific Authorization for Psychotropic Medications," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient as documentation of express and informed consent and any decisions made pursuant to that consent. If used, recommended form CF-MH 3042a, "General Authorization for Treatment Except Psychotropic Medications," as referenced in paragraph 65E-5.170(2)(c), F.A.C., shall be completed at the time of admission to permit routine medical care, psychiatric assessment, and other assessment and treatment except psychotropic medications. The more specific recommended form CF-MH 3042b, "Specific Authorization for Psychotropic Medications," as referenced in paragraph 65E-5.170(2)(c), F.A.C., or its equivalent, shall be completed prior to the administration of any psychotropic medications, except under an emergency treatment order. The completed forms, or equivalent documentation, shall be retained in the person's patient's clinical record.

(d) No facility or service provider shall initiate any mental health treatment, including psychotropic medication, until express and informed consent for psychiatric treatment is obtained from a person legally qualified to give it, except in instances ~~eases~~ where emergency treatment is ordered by a physician, ~~as defined in Section 394.455(21), F.S.~~, to preserve the immediate safety of the person patient or others.

(3) Receiving and treatment facilities shall request copies of any advance directives completed by persons admitted to the facilities, from the person patient or the person's patient's family or representative.

(4) In addition to any other requirements, at least the following must be given to the person patient before express and informed consent will be valid:

(a) Identification of the proposed medication, together with a plain language explanation of the proposed dosage range, the frequency and method of administration, the recognized short-term and long-term side effects, any

contraindications which may exist, clinically significant interactive effects with other medications, and similar information on alternative medications which may have less severe or serious side effects.

(b) A plain language explanation of all other treatments or treatment alternatives recommended for the person patient.

(5) If a change in medication is recommended which is not included in the previously signed CF-MH 3042b, "Specific Authorization for Psychotropic Medications" form, as referenced in paragraph 65E-5.170(2)(c), F.A.C., after an explanation and disclosure of the altered treatment plan is provided by the physician, ~~as defined in Section 394.455(21), F.S.~~, express and informed consent must be obtained from the person authorized to provide consent and be documented in the person's patient's clinical record prior to the administration of the treatment or medication.

(6) The facility or service provider staff shall explain to a guardian, guardian advocate, or health care surrogate or proxy, the duty of the substitute decision-maker to provide information to the facility or service provider on how the substitute decision maker may be reached at any time during the person's patient's hospitalization or treatment to provide express and informed consent for changes of treatment from that previously approved clinically significant changes of treatment.

(7) Electroconvulsive ~~To assure the safety and rights of the patient, electroconvulsive~~ treatment may be recommended to the person patient or the person's patient's substitute decision-maker by the attending physician, ~~as defined in Section 394.455(21), F.S.~~, if Such recommendation must also be concurrently recommended by at least one other physician, as defined in Section 394.455(21), F.S., not directly involved with the person's patient's care who has reviewed the person's patient's clinical record. Such recommendation shall be documented in the person's patient's clinical record and shall be signed by both physicians, ~~as defined in Section 394.455(21), F.S.~~ When completed, recommended form CF-MH 3057, Jan 05 98, "Authorization for Electroconvulsive Treatment," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient. If used, this form shall also be signed by the person patient, if competent, or by the guardian advocate, if previous court approval has been given, or by the guardian where the person patient has been found by the court to be incapacitated, or by the health care surrogate if the person patient had expressly delegated such authority to the surrogate in the advance directive. Express and informed consent from the person patient or his or her substitute decision-maker, as required by Section 394.459(3), F.S., including an opportunity to ask questions and receive answers about the procedure, shall be noted on or attached to recommended form CF-MH 3057, "Authorization for

Electroconvulsive Treatment,” as referenced in subsection 65E-5.170(7), F.A.C., or its equivalent, as documentation of the required disclosures and of the consent. Each signed authorization form is permission for the person patient to receive a series of up to, but not more than, a stated number of electroconvulsive treatments. Additional electroconvulsive treatments require additional written authorization. The signed authorization form shall be retained in the person’s patient’s clinical record and shall comply with the provisions of Section 458.325, F.S.

Specific Authority 394.457(5) FS., Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.455(9), 394.459(3), ~~394.4655~~ FS. History—New 11-29-98, Amended.

65E-5.1703 Psychiatric Emergency Treatment Orders for Psychotropic Medications.

An emergency treatment order for psychotropic medication supersedes the person’s individual’s right to refuse ~~psychotropic medication~~ if based upon the physician’s assessment, ~~as defined in Section 394.455(21), F.S., determination~~ that the individual is not capable of exercising voluntary control over his or her their own symptomatic behavior and that these uncontrolled symptoms and behavior are an imminent danger to the person patient or to others in the facility. When emergency treatment with psychotropic medication is ordered for a minor or an incapacitated or incompetent adult person, facility staff shall document attempts to promptly contact the guardian, guardian advocate, or health care surrogate or proxy to obtain express and informed consent for the treatment in advance of administration where possible and if not possible, as soon thereafter as practical.

(1) The physician’s, ~~as defined in Section 394.455(21), F.S.,~~ initial order for emergency treatment may be by telephone but such a verbal order must be reduced to writing upon receipt and signed by a physician, ~~as defined in Section 394.455(21), F.S.,~~ within 24 hours.

(2) Each emergency treatment order shall only be valid and shall be authority for emergency treatment only for a period not to exceed 24 hours.

(3) The need for each emergency treatment order must be documented in the person’s patient’s clinical record in the progress notes and in the section used for physician’s, ~~as defined in Section 394.455(21), F.S.,~~ orders and must describe the specific behavior which constitutes a danger to the person patient or to others in the facility, and the nature and extent of the danger posed.

(4) Upon the initiation of an emergency treatment order the facility shall, within two court working days, petition the court for the appointment of a guardian advocate pursuant to the provisions of Section 394.4598, F.S., to provide express and informed consent, unless the person patient voluntarily withdraws a revocation of consent or requires only a single emergency treatment order for emergency treatment.

(5) If a second emergency treatment order is issued for the same person patient within any seven day period, the petition for the appointment of a guardian advocate pursuant to the provisions of Section 394.4598, F.S., to provide express and informed consent shall be filed with the court within one court working day.

(6) While awaiting court action, treatment may be continued without the consent of the person patient, but only upon the daily written emergency treatment order of a physician, ~~as defined in Section 394.455(21), F.S.,~~ who has determined that the person’s patient’s behavior each day during the wait for court action continues to present an immediate danger to the safety of the person patient or others and who documents the nature and extent of the emergency each day of the specific danger posed. Such orders may not be written in advance of the demonstrated need for same.

(7) To assure the safety and rights of the person patient, and since emergency treatment orders by a physician, ~~as defined in Section 394.455(21), F.S.,~~ absent patient express and informed consent are is permitted only in an emergency, any use of psychotropic medications other than rapid response medications requires a detailed and complete justification for the use of such medication. Both the nature and extent of the imminent emergency and any orders for the continuation of that medication must be clearly documented daily as required above.

Specific Authority 394.457(5) FS. Law Implemented 394.459(3), 394.463(2)(f) FS. History—New 11-29-98, Amended.

65E-5.180 Right to Quality of Treatment.

The following ~~minimum~~ standards shall be required in the provision of quality mental health treatment:

(1) Each receiving and treatment facility and service provider shall, using nationally accepted accrediting standards for guidance, develop written policies and procedures for planned program activities designed to enhance a person’s patient’s self image, as required by Section 394.459(2)(d), F.S. These policies and procedures shall include curriculum, specific content, and performance objectives and shall be delivered by staff with content expertise. Medical, rehabilitative, and social services shall be evidence based integrated and provided in the most integrated least restrictive manner consistent with the safety of the persons served patient or patients.

(2) Each facility and service provider, using nationally accepted accrediting standards for guidance, shall adopt written professional standards of quality, accuracy, completeness, and timeliness for all diagnostic reports, evaluations, assessments, examinations, and other procedures provided to persons individuals under the authority of Chapter 394, part I, F.S. Facilities shall monitor the implementation of those standards to assure the quality of all diagnostic products. Standards shall include and specify provisions addressing:

(a) The minimum qualifications to assure competence and performance of staff who administer and interpret diagnostic procedures and tests;

(b) The inclusion and updating of pertinent information from previous reports, including admission history and key demographic, social, economic, and medical factors;

(c) The dating, accuracy and the completeness of reports;

(d) The timely availability of all reports to users;

(e) Reports shall be legible and understandable;

(f) The documentation of facts supporting each conclusion or finding in a report;

(g) Requirements for the direct correlation of identified problems with problem resolutions which consider the immediacy of the problem or time frames for resolution and which include recommendations for further diagnostic work-ups;

(h) Requirement that the completed report be signed and dated by the administering staff; and

(i) Consistency of information across various reports and integration of information and approaches across reports.

(3) Psychiatric Examination. Psychiatric examinations shall include:

(a) ~~Patient~~ Medical history, including psychiatric history, developmental ~~anomalies~~ abnormalities, physical or sexual abuse or trauma, and substance abuse;

(b) Examination, evaluative or laboratory results, including mental status examination;

(c) Working diagnosis, ruling out non-psychiatric causes of presenting symptoms of abnormal thought, mood or behaviors;

(d) Course of psychiatric interventions including:

1. Medication history, trials and results;

2. Current medications and dosages;

3. Other psychiatric interventions in response to identified problems;

(e) Course of other non-psychiatric medical problems and interventions;

(f) Identification of prominent risk factors including physical health, psychiatric and co-occurring substance abuse; and

(g) Discharge or transfer diagnoses.

(4) So that care will not be delayed upon arrival, procedures for the transfer of the physical custody of persons patients shall specify and require that documentation necessary for legal custody and medical status, including the person's medication administration record for that day, shall either precede or accompany the person patient to his or her ~~their~~ destination.

(5) Mental health services provided shall comply with the following ~~minimum~~ standards:

(a) In designated receiving facilities, the on-site provision of emergency psychiatric reception and treatment services shall be available 24-hours-a-day, seven-days a week, without regard to the individual's financial situation.

(b) Assessment standards shall include provision for determining the presence of a co-occurring mental illness and substance abuse, and clinically significant physical and sexual abuse or trauma.

(c) A clinical safety assessment shall be accomplished at admission to determine the person's need for, and the facility's capability to provide, an environment and treatment setting that meets the person's patient's need for a secure facility or close levels of staff observation.

(d) The development and implementation of protocols or procedures for conducting and documenting the following shall be accomplished by each facility:

1. Determination of a person's patient's competency to consent to treatment within 24 hours after admission;

2. Prompt identification of a duly authorized decision-maker for the person patient upon any person patient being determined not to be competent to consent to treatment;

3. Obtaining express and informed consent for treatment and medications before administration, except in an a-medical emergency; and

4. Required involvement of the person patient and guardian, ~~or~~ guardian advocate, or health care surrogate or proxy, in treatment and discharge planning.

(e) Use of age sensitive interventions in the implementation of seclusion or in the use of physical force as well as the authorization and training of staff to implement restraints, including the safe positioning of persons in restraints. Policies, procedures and services shall incorporate specific special provisions regarding the restraining of minors, elders, and persons who are frail or with special medical problems such as potential problems with respiration.

(f) Plain language documentation in the person's patient's clinical record of all uses of "as needed" or emergency applications of medications, and all uses of physical force, restraints, seclusion, or "time-out" procedures upon persons patients, and the explicit reasons for their use.

(g) The prohibition of standing orders or similar protocols for the emergency use of psychotropic medication.

(h) Timely provision of required training for guardian advocates including activities and available resources designed to assist family members and guardian advocates in understanding applicable treatment issues and in identifying and contacting local self-help organizations.

(6) Each designated receiving and treatment facility shall develop a written procedure for the receipt, review, and prompt investigation of oral or written complaints by a person patient about his or her care while hospitalized, which shall be documented in the person's patient's clinical record.

(7) Bodily Control and Physical Management Techniques.

(a) All staff ~~who have with patient~~ contact with persons served by the facility shall receive training in:

1. Verbal de-escalation techniques designed to reduce confrontation; and
2. Use of bodily control and physical management techniques based on a team approach.

(b) All staff ~~who have with patient~~ contact with persons served by the facility shall receive training in safe and effective techniques that are alternatives to seclusion and restraint for managing violent behavior. Training shall include techniques that are consistent with the age of persons patients being served by the facility.

(c) ~~Less restrictive~~ Verbal de-escalation interventions shall be employed before physical interventions, unless physical injury is imminent. Use of recommended form CF-MH 3124, Jan 05 98, "Personal Safety Plan" ~~"De-Escalation Preference Form,"~~ which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient for the purpose of guiding individualized intervention techniques. If used, this form shall be completed at or soon as practical after admission.

(d) Each facility shall have written policies and procedures specifying the frequency of providing drink, toileting, and check of bodily positioning to avoid traumatizing persons and retaining the person's maximum degree of dignity and comfort during the use of bodily control and physical management techniques.

(8) Brief Isolation.

(a) In the event of two or more isolation interventions which exceed 15 minutes each or a cumulative total of isolation in excess of 60 minutes during any 24-hour period, a meeting of the treatment team to assess the cause of the isolation, review the adequacy of the intervention, ~~and if appropriate,~~ to develop more integrated appropriate therapeutic interventions is required.

(b) Each use of brief isolation lasting more than 15 minutes shall be documented in the person's patient's clinical record.

(9) Seclusion.

(a) As used in this subsection, seclusion means any time a person's ability to move about freely has been limited by staff or the person has been segregated in any fashion from other persons patients, as a means of controlling the person's patient's immediate symptoms or behavior. Seclusion is an involuntarily imposed closed door or locked door isolation of the person patient from others. The seclusion process shall evidence consideration that alternatives such as those listed in recommended form CF-MH 3124, "Personal Safety Plan" ~~"De-Escalation Preference Form,"~~ as referenced in paragraph 65E-5.180(7)(c), F.A.C., have been considered by

implementing staff. In order to enhance patient safety of all persons served by the facility, each person patient shall be searched for contraband before ordering placing the person patient into seclusion.

(b) Brief isolation shall be attempted prior to imposing seclusion, whenever possible.

(c) In order to assure patient safety, a written order by a physician, ~~as defined in Section 394.455(21), F.S.,~~ shall be required for each use of seclusion.

(d) In an emergency, any registered nurse or the highest level staff member who is immediately available and who is trained in seclusion procedures, may initiate seclusion if in accord with specific written facility policies. If imposed without a prior written order, an order must be obtained from a physician, ~~as defined in Section 394.455(21), F.S.,~~ and written within one hour of initiation of seclusion or the person patient must be immediately released from seclusion. All verbal orders for seclusion must be signed within 24 hours of the initiation of seclusion by an authorizing physician, ~~as defined in Section 394.455(21), F.S.~~ If seclusion is initiated by a staff member other than an advanced registered nurse practitioner or a registered nurse, an advanced registered nurse practitioner or a registered nurse shall assess the need for seclusion and document it in the chart within 15 minutes of initiation. Persons Patients released from seclusion due to the lack of an order or without the nursing assessment may not again be ordered placed into seclusion within the following 12 hours without an accompanying order.

(e) Physicians, ~~as defined in Section 394.455(21), F.S.,~~ authorized by the facility to order seclusion in a receiving or treatment facility, shall exercise this authority under the oversight of the facility's medical oversight committee.

(f) Where seclusion is ordered, it may only be ordered by a physician, ~~as defined in Section 394.455(21), F.S.,~~ and it may be ordered for a period up to:

1. One hour for minors under nine years of age;
2. Two hours for minors ~~over~~ nine years of age up to the age of 18; and
3. Four hours for adults.

(g) A seclusion order may be extended by repeating these timeframes after review by a physician, ~~as defined in Section 394.455(21), F.S.,~~ or advanced registered nurse practitioner.

(h) Where seclusion is to be used upon the occurrence of specific behavior, this intervention must comply with the provisions of Rule 65E-5.1602, F.A.C.

(i) Each use of seclusion and the name of the person initiating the seclusion must be documented in a unit log book or similar automated registry maintained for this purpose; each use and explicit reason for seclusion shall also be recorded in the Person's patient's clinical record. Upon initiation of seclusion, the log book shall sequentially record all uses of seclusion, and for each use, the date and time of initiation and release, and elapsed time.

(j) During each period of seclusion, the person patient must:

1. Be offered ~~reasonable~~ opportunity to drink; and to toilet as requested, and to have range of motion as needed.

2. Be observed by staff trained in this function at least every 15 minutes, for injury and respiration, and the findings immediately documented. Documentation of the observations and the staff person's name shall be recorded at the time the observation takes place. At least once every hour, such documented observation shall be conducted by a nurse.

(k) Every secluded person patient shall be immediately informed of the behavior that caused his or her ~~their~~ seclusion and the behavior and conditions necessary for their release. This shall be documented in the person's clinical record.

(l) Facilities shall develop and staff shall use criteria to guide early termination from seclusion. When seclusion is terminated early and the same symptomatic behavior which caused the application of seclusion is still evident, the original order can be reapplied.

(m) Upon release from seclusion, the person's patient's physical condition shall be observed, evaluated, and documented. After the person's patient's release, therapeutic discussion of the event and alternative means of responding must be offered to the person patient by staff not involved with the event. The results of this offer and any resulting discussion shall be documented.

(n) If two or more incidents of seclusion of a person patient are necessary within a 24-hour period, the treatment team shall analyze the person's patient's clinical record for trends or patterns relating to conditions, events, or individuals present immediately before or upon the onset of the behavior warranting the seclusion, and of the conditions presented upon the person's patient's release from seclusion. The treatment team shall review the effectiveness adequacy of the emergency intervention, ~~and if appropriate, and~~ develop more appropriate therapeutic interventions. Documentation of this review shall be placed in the person's patient's clinical record.

(10) Restraints.

(a) In imposing restraints on a person patient, use of age and physical fragility sensitive techniques shall be utilized. If a device is used for age or fragility reasons, it should be so documented in the person's patient's clinical record.

(b) Walking restraints may only be used during transportation under the supervision of trained staff. The use of walking restraints is prohibited except for purposes of off-unit transportation.

(c) Restraints are an emergency medical psychiatric measure to be used only for the immediate physical protection of the person patient or others and may be imposed only upon the order of a physician, ~~as defined in Section 394.455(21), F.S.~~ The order shall include the specific behavior prompting the use of restraints, the type of restraint ordered, time limit for restraint use, the positioning of the person patient for

respiratory and other medical safety considerations, and the behavior necessary for the person's patient's release from restraint. Any use of restraint shall be in accordance with applicable federal and state regulations and with facility policies and procedures which shall require staff proficiency in age and fragility-sensitive appropriate techniques, including medical risk considerations of positioning the person patient. The restraint process shall evidence consideration that individual's choice alternatives as identified in the recommended form CF-MH 3124, "Personal Safety Plan" "~~De-Escalation Preference Form,~~" as referenced in paragraph 65E-5.180(7)(c), F.A.C., have been considered.

(d) In an emergency, a registered nurse or the highest level staff member who is immediately available and who is trained in restraint procedures, may initiate restraints. However, an order by a physician, ~~as defined in Section 394.455(21), F.S.,~~ must be obtained and written within the person's patient's clinical record within one hour of initiation or the person patient must be immediately released from the restraints. If restraints are initiated by a staff member other than a nurse, the nurse shall assess the need for restraints and document it in the chart within 15 minutes of initiation. All orders for restraint must be signed within 24 hours of the initiation of the restraints.

(e) If a physician, ~~as defined in Section 394.455(21), F.S.,~~ is authorized to order restraints in a receiving or treatment facility, such physician professional shall practice under the oversight of the facility's medical oversight committee.

(f) Where restraint is ordered, it may only be ordered by a physician, ~~as defined in Section 394.455(21), F.S.,~~ and it may be ordered for an initial period up to:

1. One hour for minors under nine years of age;
2. Two hours for minors ~~over~~ nine years of age up to and under the age of 18; and
3. Four hours for adults.

(g) A restraint order may be extended by repeating these timeframes, after review by a physician, ~~as defined in Section 394.455(21), F.S.,~~ or an advanced registered nurse practitioner.

(h) In order to protect the patient safety of each person served by a facility, each person patient shall be:

1. Searched for contraband before or immediately after being placed into restraints; and
2. Evaluated medically to determine the need or lack of need to elevate the person's patient's head and torso during restraint prior to placing the person patient into restraints. Such evaluation of the need or lack of need shall be documented in the order for restraints.

(i) Each use of restraint and the name of the person initiating the restraint must be documented in a unit log book or similar automated registry maintained for this purpose; each use and explicit reason for restraint shall also be recorded in the person's patient's clinical record. Upon initiation of

restraints, the log book shall sequentially record all uses of restraints, and for each use, the date and time of initiation, release, and elapsed time.

(j) During each period of restraint, the ~~person~~ patient must:

1. Be offered ~~reasonable~~ opportunity to drink, ~~and~~ to toilet ~~as requested~~, and to have range of motion ~~as needed~~;
2. Be located in areas, whenever possible, not subject to view by ~~individuals~~ persons other than staff or where they are exposed to potential injury by other ~~persons~~ patients; and
3. Be observed by staff trained in this ~~skill function~~ at least every 15 minutes, for circulation, injury, and respiration, and the findings immediately documented. Documentation of the observations and the staff person's name shall be recorded at the time the observation takes place. At least once every hour, such documented observation shall be conducted by a nurse.

(k) Every restrained ~~person~~ patient shall be informed of the behavior that caused ~~his or her~~ their restraint and the behavior and conditions necessary for their release after 15 minutes of calm.

(l) Facilities shall develop and staff shall use criteria to guide early termination from restraint. When restraint is terminated early and the same behavior which caused the application of restraints is still evident, the original order can be reapplied.

(m) Upon release from restraints, the ~~person's~~ patient's physical condition shall be observed, evaluated, and documented. After the ~~person's~~ patient's release from ~~restraints~~ seclusion, discussion of the event and alternative means of responding must be offered to the ~~person~~ patient by staff not involved with the event. The results of this discussion shall be documented in the person's clinical record.

(n) Since restraint is an emergency procedure, within 48 hours after any use of restraint, the circumstances preceding its imposition and the ~~person's~~ patient's treatment plan must be reviewed to determine whether changes in the plan are advisable in order to prevent the further ~~use~~ need of restraint.

(o) Nothing herein shall effect the ability of emergency medical technicians, paramedics or physicians, ~~as defined in Section 394.455(21), F.S.~~, or any person acting under the direct medical supervision of a physician, ~~as defined in Section 394.455(21), F.S.~~, to provide examination or treatment of incapacitated persons in accordance with Section 401.445, F.S.

(11) Use of Protective Medical Devices with Frail or Mobility Impaired ~~Persons~~ Patients.

(a) When ~~ordering~~ using safety or protective devices such as posey vests, geri-chairs, mittens, and bed rails which also restrain, facility staff shall consider alternative means of providing such safety so that the ~~person's~~ patient's need for regular exercise is accommodated to the greatest extent possible.

(b) Where frequent or prolonged use of safety or protective devices are required, the ~~person's~~ patient's treatment plan shall address debilitating effects due to decreased exercise

levels such as circulation, skin, and muscle tone and the ~~person's~~ patient's need for maintaining or restoring bowel and bladder continence.

(c) The treatment plan shall include scheduled activities to lessen deterioration due to the usage of such protective medical devices.

(12) Elevated Levels of Supervision. Receiving and treatment facilities shall ensure that where one-on-one supervision is ordered by a physician ~~required~~, it shall be continuous and shall not be interrupted as a result of shift changes or due to conflicting staff assignments. Such supervision shall be continuous until documented as no longer medically necessary by a physician, ~~as defined in Section 394.455(21), F.S.~~

(13) Seclusion and Restraint Oversight. Each facility utilizing seclusion or restraint procedures shall establish and utilize a committee, that includes medical staff, to conduct timely reviews of each use of seclusion and restraint, and monitor patterns of use, for the purpose of assuring most integrated ~~least restrictive~~ approaches are utilized to reduce the frequency and duration of use upon persons served by the facility ~~patients~~.

Specific Authority 394.457(5) FS. Law Implemented 394.459(4) FS. History--New 11-29-98, Amended.

65E-5.1802 Maintenance of the Facility.

The facility shall ensure the proper functioning and maintenance of the facility structure, finishes, fixtures, furnishings, and equipment. The facility shall ensure the ready availability of necessary medical equipment or devices for the populations served, including restraint equipment that is suitable to the safety and medical needs of the persons being served.

Specific Authority 394.457(5) FS. Law Implemented 394.459(4) FS. History--New 11-29-98, Repromulgated.

65E-5.190 Right to Communication and Visits.

(1) If the treatment team imposes any restrictions ~~on~~ such as with whom the ~~person~~ patient in a receiving or treatment facility may communicate, such restrictions and justification shall be recorded in the ~~person's~~ patient's clinical record. Use of recommended form CF-MH 3049, Jan 05 98, "Restriction of Communication or Visitors," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient. Facility staff shall make ~~adult~~ competent adults ~~patients~~ aware that they have the ability to waive the confidentiality of their presence in a receiving or treatment facility and allowing all or specified persons the ~~person~~ patient selects access to free and open communication with the ~~person~~ patient. Recommended form CF-MH 3048, Jan 05, "Confidentiality Agreement," will be considered by the department to be sufficient for this purpose.

(2) Prompt access to a telephone shall be provided to each person patient requesting to call his or her legal counsel, Florida Abuse Registry, Florida Local Advocacy Council, Human Rights Advocacy Committee, or the Advocacy Center for Persons with Disabilities.

Specific Authority 394.457(5) FS. Law Implemented 394.459(5) FS. History—New 11-29-98, Amended.

65E-5.200 Right to Care and Custody of Personal Effects. Each designated receiving and treatment facility shall develop policies and procedures governing what personal effects will be removed from persons patients for reasons of personal or unit safety, how they will be safely retained by the facility, and how and when they will be returned to the person patient or other authorized individual person on the person's patient's behalf. Policies and procedures shall specify how contraband and other personal effects determined to be detrimental to the person patient will be addressed when not returned to the person patient or other authorized individual person. An inventory of personal effects shall be witnessed by two staff and by the person patient, if able, at the time of admission, at any time the inventory is amended, and at the time the personal effects are returned or transferred. Use of recommended form CF-MH 3043, Jan 05 98, "Inventory of Personal Effects," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient.

Specific Authority 394.457(5) FS. Law Implemented 394.459(6) FS. History—New 11-29-98, Amended.

65E-5.210 Right to Vote Voting in Public Elections. The facility shall have voter registration forms and applications for absentee ballots readily available at the facility or in accordance with the procedures established by the supervisor of elections, and shall assure that each person patient who is eligible to vote and wishes to do so, may exercise his or her franchise. Each designated receiving and treatment facility shall develop policies and procedures governing how persons patients will be assisted in exercising their right to vote.

Specific Authority 394.457(5) FS. Law Implemented 394.459(7) FS. History—New 11-29-98, Amended.

65E-5.220 Right to Habeas Corpus.

(1) Upon admission to a receiving or treatment facility, each person patient shall be given notice of his or her their right to petition for a writ of habeas corpus and for redress of grievances. Use of recommended form CF-MH 3036, Jan 05 98, "Notice of Right to Petition for Writ of Habeas Corpus or for Redress of Grievances," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient to document this notice. A copy of the notice shall be provided to the guardian, guardian advocate, representative, or the health

care surrogate or proxy, and the person's patient's clinical record shall contain documentation that the notice was provided. A petition form shall be promptly provided by staff to any person patient making a request for such a petition. Use of recommended form CF-MH 3090, Jan 05 98, "Petition for Writ of Habeas Corpus or for Redress of Grievances," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient.

(2) Receiving and treatment facilities shall accept and forward to the appropriate court of competent jurisdiction a petition submitted by a person patient or others in any form in which it is presented.

Specific Authority 394.457(5) FS. Law Implemented 394.459(8) FS. History—New 11-29-98, Amended.

65E-5.230 Guardian Advocate.

(1) A copy of the completed recommended form CF-MH 3106, "Petition for Adjudication of Incompetence to Consent to Treatment and Appointment of a Guardian Advocate," as referenced in subparagraph 65E-5.170(1)(d)2., F.A.C., which is considered by the department to be sufficient, or its equivalent, shall be given to the person patient, the person's patient's representative if any, and to the prospective guardian advocate with a copy retained in the person's patient's clinical record.

(2) The person's patient's clinical record shall reflect clear evidence that the guardian advocate has completed the training required by Section 394.4598(4), F.S., and further training required pursuant to a court order, prior to being asked to provide express and informed consent to treatment. Use of recommended form CF-MH 3120, Jan 05 98, "Certification of Guardian Advocate Training Completion," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, for documentation will be considered by the department to be sufficient.

(3) When a guardian advocate previously appointed by the court cannot or will not continue to serve in that capacity, and the person patient remains incompetent to consent to treatment, the facility administrator shall petition the court for a replacement guardian advocate. A copy of the completed petition shall be given to the person patient, the current guardian advocate, the prospective replacement guardian advocate, person's patient's attorney, and representative, with a copy retained in the person's patient's clinical record. Use of recommended form CF-MH 3106, "Petition for Adjudication of Incompetence to Consent to Treatment and Appointment of a Guardian Advocate," as referenced in subparagraph 65E-5.170(1)(d)2., F.A.C., is considered by the department to be sufficient for this documentation if parts I and III are completed.

(4) If the court finds the person incompetent to consent to treatment a guardian advocate shall be appointed. Use of recommended form CF-MH 3107, Jan 05 98, "Order Appointing Guardian Advocate," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, or other order used by the court, will be considered by the department to be sufficient for documentation of this finding. The order shall be provided to the person patient, guardian advocate, representative, and to the facility administrator for retention in the person's patient's clinical record.

(5) If a guardian advocate is required by Section 394.4598, F.S., or otherwise to petition the court for authority to consent to extraordinary treatment, a copy of the completed petition form shall be given to the person patient, a copy to the attorney representing the person patient, and a copy retained in the person's patient's clinical record. Use of recommended form CF-MH 3108, Jan 05 98, "Petition Requesting Court Approval for Guardian Advocate to Consent to Extraordinary Treatment," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, will be considered by the department to be sufficient for such documentation. Any order issued by the court in response to such a petition shall be given to the person patient, attorney representing the person patient, guardian advocate, and to the facility administrator, with a copy retained in the person's patient's clinical record. Use of recommended form CF-MH 3109, Jan 05 98, "Order Authorizing Guardian Advocate to Consent to Extraordinary Treatment," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, or other order used by the court will be considered by the department to be sufficient for such documentation.

(6) At any time a person patient, who has previously been determined to be incompetent to consent to treatment and had a guardian advocate appointed by the court, has been found by the attending physician, ~~as defined in Section 394.455(21), F.S.~~, to have regained competency to consent to treatment, the facility shall notify the court which appointed the guardian advocate of the patient's competence and the discharge of the guardian advocate. Use of recommended form CF-MH 3121, Jan 05 98, "Notification to Court of Person's Patient's Competence to Consent to Treatment and Discharge of Guardian Advocate," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, for documentation will be considered by the department to be sufficient.

65E-5.2301 Health Care Surrogate or Proxy.

(1) During the interim period between the time a person patient is determined by two physicians, ~~as defined in Section 394.455(21), F.S.~~, to be incompetent to consent to treatment and the time a guardian advocate is appointed by a court to provide express and informed consent to the person's patient's treatment, a health care surrogate designated by the person patient, pursuant to chapter 765, part II, F.S., may provide such consent to treatment.

(2) In the absence of an advance directive or when the health care surrogate named in the advance directive is no longer able or willing to serve, a health care proxy, pursuant to Chapter 765, Part IV, F.S., may also provide interim consent to treatment.

(3) Upon the documented determination by one or more physicians ~~two physicians, as defined in Section 394.455(21), F.S.~~, that a person patient is incompetent to make health care decisions for himself or herself, the facility shall notify the surrogate or proxy in writing that the conditions under which he or she can exercise his or her authority under the law have occurred. Use of recommended form CF-MH 3122, Jan 05 98, "Certification of Person's Patient's Incompetence to Consent to Treatment and Notification of Health Care Surrogate/Proxy," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, will be considered by the department to be sufficient for this purpose.

(4) If the surrogate selected by the person is not available or is unable to serve or if no advance directive had been prepared by the person, a proxy shall be designated as provided by law. Use of recommended form CF-MH 3123, Jan 05, "Affidavit of Proxy," which is incorporated by reference as if fully set out here, and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient for this purpose.

(5)(4) A petition for adjudication of incompetence to consent to treatment and appointment of a guardian advocate shall be filed with the court within two court working days of the determination by the physicians, ~~as defined in Section 394.455(21), F.S.~~, of the person's patient's incompetence to consent to treatment. Use of recommended form CF-MH 3106, "Petition for Adjudication of Incompetence to Consent to Treatment and Appointment of a Guardian Advocate," as referenced in subparagraph 65E-5.170(1)(d)2., F.A.C., will be considered by the department to be sufficient for this purpose.

(6)(5) The facility shall immediately provide to the health care surrogate or proxy the same information required by statute to be provided to the guardian advocate. In order to protect the safety of the person patient, the facility shall make available to the health care surrogate or proxy the training required of guardian advocates and ensure that the surrogate or

Specific Authority 394.457(5) FS. Law Implemented 394.4598 FS. History--New 11-29-98, Amended _____.

proxy communicate with the ~~person patient~~ and ~~person's patient's~~ physician, ~~as defined in Section 394.455(21), F.S.~~, prior to giving express and informed consent to treatment.

(7) Each designated receiving and treatment facility shall adopt policies and procedures specifying how its direct care and assessment staff will be trained on how to honor each person's treatment preferences as detailed in his or her advance directives. Persons shall be provided information about advance directives and offered assistance in completing advance directives for persons who are willing and able to do so.

Specific Authority 394.457(5) FS. Law Implemented 394.4598, 765 FS. History—New 11-29-98, Amended.

65E-5.250 Clinical Records; Confidentiality.

(1) Except as otherwise provided by law, verbal or written information about a ~~person patient~~ shall only be released when the competent ~~person patient~~, or a duly authorized legal decision-maker such as guardian, guardian advocate, or health care surrogate or proxy provides consent to such release. When such information is released, a copy of a signed authorization form shall be retained in the ~~person's patient's~~ clinical record. Use of recommended form CF-MH 3044, Jan 05 98, "Authorization for Release of Information," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient if used as documentation. Consent or authorization forms may not be altered in any way after signature by the ~~person patient~~ or other authorized decision-maker nor may a ~~person patient~~ or other authorized decision-maker be allowed to sign a blank form.

(2) Facility staff shall inform persons advise patients that they have the right ability to waive, in writing, the confidentiality of their presence in a receiving or treatment facility, to the extent the patient may choose, allowing all or only specified persons and to accept free and open communication with all or a group of individuals as specified by with the person patient, such as telephone calls.

(3) For purposes of Section 394.4615(3)(b), F.S., a "qualified researcher" is one who after making application to review confidential data and who, after documenting his or her bona fide academic, scientific or medical credentials and describing the particular research which gives rise to the request, is determined by the administrator of a receiving or treatment facility or by the Secretary of the department, to be eligible to review such data. In making that determination the administrator or the Secretary shall weigh the ~~person's patient's~~ right to privacy against the benefit of disclosure and shall determine whether the disclosure is in the best interest of the state. ~~Person Patient~~ identifying information obtained by such a qualified researcher shall not be further disclosed

without the express and informed consent of the ~~person or individual patient or person~~ authorized to provide consent for him or her.

(4) When a ~~person's patient's~~ access to his or her clinical record or any part of his or her record is restricted by written order of the attending physician, ~~as defined in Section 394.455(21), F.S.~~, such restriction shall be documented in the ~~person's patient's~~ clinical record. If the request is denied or such access is restricted, a written response shall be provided to the ~~person patient~~. Use of recommended form CF-MH 3110, Jan 05 98, "Restriction of ~~Person's Patient~~ Access to Own Record," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient for such documentation.

(5) Each receiving facility shall develop detailed policies and procedures governing release of records to ~~persons patients~~, including criteria for determining what type of information may be harmful to ~~persons patients~~, establishing a reasonable time for responding to requests for access, and identifying methods of providing access that ensure clinical support to the ~~person patient~~ while securing the integrity of the record.

Specific Authority 394.457(5) FS. Law Implemented 394.4615 FS. History—New 11-29-98, Amended.

65E-5.260 Transportation.

(1) ~~Each law enforcement officer who takes a person~~ Each district administrator shall maintain a list, for each county within the district, of the designated law enforcement agency responsible for taking persons into custody upon the entry of recommended form CF-MH 3001, Jan 05 98, "Ex Parte Order for Involuntary Examination," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, or other form provided by the court, or the execution of mandatory form CF-MH 3052b, Jan 05 98, "Certificate of Professional Initiating Involuntary Examination," which is hereby incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., or completion of mandatory form CF-MH 3052a, Jan 05 "Report of a Law Enforcement Officer Initiating Involuntary Examination," which is hereby incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., shall ensure that such forms accompany the person to the receiving facility for inclusion in the person's clinical record and may be obtained from the district mental health program office.

(2) The designated law enforcement agency shall transport the ~~person patient~~ to the nearest receiving facility as required by statute, documenting this transport on mandatory form CF-MH 3100, Jan 05 98, "Transportation to Receiving Facility", which is hereby incorporated by reference as if fully

set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office. The designated law enforcement agency may decline to transport the person to a receiving facility only if the county has contracted with a transport service funded by the county to provide this service. Part II of mandatory form CF-MH 3100, "Transportation to Receiving Facility," as referenced in subsection 65E-5.260(2), F.A.C., reflecting the agreement between law enforcement and the transport service shall accompany the person patient to the receiving facility and shall be retained in the person's patient's clinical record.

Specific Authority 394.457(5) FS. Law Implemented 394.462 FS. History--New 11-29-98, Amended _____.

65E-5.2601 Transportation Exception Plan.

(1) In determining whether to approve a proposal for an exception or exceptions to the transportation requirements of Section 394.462(3), F.S., the following shall be considered by the department:

(a) The specific provision from which an exception is requested;

(b) Evidence presented by the department's district or region of community need and support for the request;

(c) Whether the proposal is presented in a format that is clear, simple, and can be readily implemented by all parties and the public;

(d) How the proposed plan will improve services to the public and persons needing Baker Act services; and

(e) Whether the geographic boundaries identified in the proposal are distinct and unambiguous.

(2) The proposal must include provisions which address:

(a) Accountability for delays or confusion when transportation fails to respond appropriately;

(b) How disputes which may arise over implementation of the plan will be resolved;

(c) Identification of the public official whose position is responsible for the continuing oversight and monitoring of the service in compliance with the terms of the approved proposal;

(d) The plan for periodically monitoring compliance with the proposal, public satisfaction with the service provided, and assurance of patient rights of persons served by the facility;

(e) The method complaints and grievances are to be received and resolved; and

(f) Community support and involvement including a description of the participation of designated public and private receiving facilities, law enforcement, transportation officials, consumers, families, and advocacy groups.

(3) The approval by the local health and human services board and the governing boards of any affected counties, shall be certified in writing by the district or region's Mental Health and Substance Abuse Program Supervisor administrator, prior to the plan's submission to the Secretary of the department.

Specific Authority 394.457(5) FS. Law Implemented 394.462(3) FS. History--New 11-29-98, Amended _____.

65E-5.270 Voluntary Admission.

(1) Use of recommended form CF-MH 3040, "Application for Voluntary Admission," as referenced in paragraph 65E-5.1302(1)(b), F.A.C., will be considered by the department to be sufficient to document an application of a competent adult for admission to a receiving facility. Use of recommended form CF-MH 3097, Jan 05 98, "Application for Voluntary Admission - Minors," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient to document a guardian's application for admission of a minor to a receiving facility. Use of recommended form CF-MH 3098, Jan 05 98, "Application for Voluntary Admission - State Treatment Facility," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., from the district mental health program office, will be considered by the department to be sufficient to document an application of a competent adult for admission to a state treatment facility. Any application for voluntary admission shall be based on the person's patient's express and informed consent.

(a) Use of recommended form CF-MH 3104, "Certification of Person's Patient's Competence to Provide Express and Informed Consent," as referenced in paragraph 65E-5.170(1)(c), F.A.C., will be considered by the department to be sufficient to document the competence of a person to give express and informed consent to be on a voluntary status patient. The original of the completed form shall be retained in the person's patient's clinical record.

(b) Use of recommended form CF-MH 3104, "Certification of Person's Patient's Competence to Provide Express and Informed Consent," as referenced in paragraph 65E-5.170(1)(c), F.A.C., will be considered by the department to be sufficient to document a person applying for transfer from involuntary to voluntary status is competent to provide express and informed consent. The original of the completed form shall be filed in the person's patient's clinical record. A change in legal status must be followed by notice sent to individuals persons pursuant to Section 394.4599, F.S.

(2) Persons on voluntary status Voluntary patients shall be advised of their right to request discharge. Use of recommended forms CF-MH 3051a, Jan 05 98, "Notice of Right of Person on Voluntary Status Patient's Right to Request Discharge from a Receiving Facility," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, or CF-MH 3051b, Jan 05 98, "Notice of Right of Person on Voluntary Status Patient's Right to Request Discharge from a Treatment Facility," which is incorporated by reference as if fully set out here and may be obtained pursuant

to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, will be considered by the department to be sufficient to document the giving of such advice. A copy of the notice or its equivalent shall be given to the person patient and to the person's patient's parent if a minor, with the original of each completed application and notice retained in the person's patient's clinical record.

(3) Documenting the assessment of persons pursuant to Section 394.4625(1)(b), F.S., shall be done prior to moving the person from ~~his or her their~~ residence to a receiving facility for voluntary admission. Use of recommended form CF-MH 3099, Jan 05 98, "Certification of Ability to Provide Express and Informed Consent for Voluntary Admission and Treatment of Selected Persons From Facilities Licensed under Chapter 400, F.S." Pursuant to ~~Section 394.4625(1), F.S.,~~ which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, will be considered by the department to be sufficient.

(4) If a competent adult patient or the guardian of a minor refuses to consent to mental health treatment, the person patient shall not be eligible for admission on a voluntary status. A person on voluntary status patient who refuses to consent to or revokes consent to treatment shall be discharged from a designated receiving or treatment facility within 24 hours after such refusal or revocation, unless the person patient is transferred to involuntary status or unless the refusal or revocation is freely and voluntarily rescinded by the person patient. When a person patient refuses or revokes consent to treatment, facility staff shall document this immediately in the person's patient's clinical record. Use of recommended form CF-MH 3105, Jan 05 98, "Refusal or Revocation of Consent to Treatment," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, will be considered by the department to be sufficient. Should a competent person patient withdraw his or her refusal or revocation of consent to treatment, the person patient shall be asked to complete Part II of recommended form CF-MH 3105, "Refusal or Revocation of Consent to Treatment," as referenced in subsection 65E-5.270(4), F.A.C., or similar documentation, and the original shall be retained in the person's patient's clinical record.

(5) An oral or written request for discharge made by any person patient following admission to the facility shall be immediately documented in the person's patient's clinical record. Use of recommended forms CF-MH 3051a, "Notice of Right of Person on Voluntary Status Patient's Right to Request Discharge from a Receiving Facility," as referenced in subsection 65E-5.270(2), F.A.C., or CF-MH 3051b, "Notice of Right of Person on Voluntary Status Patient's Right to Request Discharge from a Treatment Facility," as referenced in

subsection 65E-5.270(2), F.A.C., will be considered by the department to be sufficient. This form may also be completed by a relative, adult friend, or attorney of the person patient.

(6) When a person on voluntary status patient refuses treatment or requests discharge and the facility administrator makes the determination that the person patient will not be discharged within 24 hours from a designated receiving or treatment facility, a petition for involuntary inpatient placement or involuntary outpatient placement shall be filed with the court by the facility administrator. Use of recommended form CF-MH 3032, "Petition for Involuntary Inpatient Placement," as referenced in subparagraph 65E-5.170(1)(d)1., F.A.C. or recommended form CF-MH 3130, "Petition for Involuntary Outpatient Placement", as referenced in subparagraph 65E-5.170(1)(d)2., F.A.C. will be considered by the department to be sufficient. The first expert opinion by a psychiatrist shall be obtained on the petition form within 24 hours of the request for discharge or refusal of treatment to justify the continued detention of the person patient and the petition shall be filed with the court within two court working days after the request for discharge or refusal to consent to treatment was made.

(7) If a person is delivered to a receiving facility for voluntary examination from any program or residential placement licensed under the provisions of chapter 400, F.S., without first arranging an independent evaluation of the resident's competence to provide express and informed consent to admission and treatment, as required in Section 394.4625(1)(b) and (c), F.S., the receiving facility shall notify the Agency for Health Care Administration by using recommended form CF-MH 3119, Jan 05, "Notification of Non-Compliance with Required Certificate," which is incorporated by reference as if fully set out here, and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient.

Specific Authority 394.457(5) FS., Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.4625 FS. History--New 11-29-98, Amended _____.

65E-5.280 Involuntary Examination.

(1) Court Order. Documentation of sworn testimony using recommended form CF-MH 3002, Jan 05 98, "Petition and Affidavit Seeking Ex Parte Order Requiring Involuntary Examination," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office~~, or other form used by the court, will be considered by the department to be sufficient. Documentation of the findings of the court on recommended form CF-MH 3001, "Ex Parte Order for Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., or other order used by the court, will be considered by the department to be sufficient for any person for whom there is reason to believe the criteria for involuntary examination are met. The ex parte order for involuntary

examination, with attached document giving the findings, shall accompany the person patient to the receiving facility and be retained in the person's patient's clinical record.

(2) Law Enforcement.

(a) If a law enforcement officer, in the course of his or her official duties, initiates an involuntary examination, the officer shall complete the mandatory form CF-MH 3052a, Jan 05 98, "Report of Law Enforcement Officer Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C. ~~which is hereby incorporated by reference as if fully set out here and may be obtained from the district mental health program office.~~

(b) Mandatory form CF-MH 3052a, "Report of Law Enforcement Officer Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1) ~~65E-5.280(2)(a)~~, F.A.C., shall accompany the person patient to the nearest receiving facility for retention in the person's patient's clinical record.

(3) Professional Certificate.

(a) A professional authorized by Section 394.463(2)(a)3., F.S., who determines, after personally examining a person believed to meet the involuntary examination criteria within the preceding 48 hours, verifies that the criteria are met, is authorized to shall execute the mandatory form CF-MH 3052b, "Certificate of Professional Initiating Involuntary Examination" as referenced in subsection 65E-5.260(1), F.A.C.

(b) Mandatory form CF-MH 3052b, "Certificate of Professional Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., shall expire seven days after the certificate is signed, unless the person patient has been taken into custody and delivered to a receiving facility or to a jail, in which case the certificate expires when the person was taken into custody. The certificate shall be executed immediately upon its initiation and ~~The certificate~~ is valid throughout the state. The completed certificate shall accompany the person patient to a receiving facility and be retained in the person's clinical record.

(4) Emergency Medical Services.

(a) Use of recommended form CF-MH 3101, Jan 05 98, "Hospital Emergency Medical Services² Determination that Person Does Not Meet Involuntary Placement Criteria," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office,~~ will be considered by the department to be sufficient documentation of the results of the examination prescribed in Section 394.463(2)(g), F.S.

(b) Receiving facilities shall develop policies and procedures that expedite the transfer of persons referred from non-designated hospitals after examination or treatment of an emergency medical condition, within the 12 hours permitted by law.

~~(c)(b)~~ The 72-hour involuntary examination period set out in Section 394.463(2)(f), F.S., may not be exceeded. In order to document the 72-hour period has not been exceeded, use of recommended form CF-MH 3102, Jan 05 98, "Request for Involuntary Examination After Stabilization of Emergency Medical Condition Services," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient. The form may be sent by fax, or otherwise, to promptly communicate its contents to a designated ~~the nearest~~ receiving facility at which appropriate medical treatment is available.

(5) In order for the department to implement the provisions of Section 394.463(2)(e), F.S., and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, designated receiving facilities shall forward copies of each recommended form CF-MH 3001, "Ex Parte Order for Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., or other order provided by the court, mandatory form CF-MH 3052a, "Report of Law Enforcement Officer Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1) ~~65E-5.280(2)(a)~~, F.A.C., mandatory form CF-MH 3052b, "Certificate of Professional Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., accompanied by mandatory form CF-MH 3118, Jan 05 98, "Cover Sheet to Agency for Health Care Administration," which is hereby incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, to: BA Reporting Center, FMHI-MHC 2618, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

(6) If a person patient is delivered to a receiving facility for an involuntary examination from any program or residential placement licensed under the provisions of chapter 400, F.S., without an ex parte order, the mandatory form CF-MH 3052a, "Report of Law Enforcement Officer Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1) ~~65E-5.280(2)(a)~~, F.A.C., or mandatory form CF-MH 3052b, "Certificate of Professional Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., the receiving facility shall notify the Agency for Health Care Administration by the method and timeframe required by law. The receiving facility's use of recommended form CF-MH 3119, Jan 05 98, "Notification of Non-Compliance with Required Certificate," as referenced in subsection 65E-5.270(7), F.A.C. which is incorporated by reference as if fully set out here and may be obtained from the district mental health program office, will be considered by the department to be sufficient.

(7) Documentation that each completed form was submitted in a timely way shall be retained in the person's patient's clinical record.

Specific Authority 394.457(5) FS. Law Implemented 394.463 FS. History--New 11-29-98, Amended _____.

65E-5.2801 Minimum Standards for Involuntary Examination Pursuant to Section 394.463, F.S.

The involuntary examination is also known as the initial mandatory involuntary examination.

(1) Whenever an involuntary examination is initiated by a circuit court, a law enforcement, or a mental health professional as provided in Section 394.463(2), F.S., an examination by a physician or clinical psychologist must be conducted and documented in the person's clinical record. The examination, conducted at a facility licensed under Chapter 394 or 395, F.S., must contain: The involuntary examination at Chapter 394 or 395, F.S., licensed facilities shall include:

(a) A determination of whether the person is medically stable;

(b) A determination that abnormalities of thought, mood, or behavior due to non-psychiatric causes have been ruled out;

(c) A thorough review of any observations of the person's recent behavior;

(d) A review of mandatory form CF-MH 3100, "Transportation to Receiving Facility," as referenced in subsection 65E-5.260(2), F.A.C., and recommended form CF-MH 3001, "Ex Parte Order for Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., or other form provided by the court, or mandatory form CF-MH 3052a, "Report of Law Enforcement Officer Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1) 65E-5.280(2)(a), F.A.C., or mandatory form CF-MH 3052b, "Certificate of Professional Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C.

(e) A brief psychiatric history; and

(f) A face-to-face examination of the person in a timely manner to determine if the person patient meets criteria for release.

(2) If the physician or clinical psychologist conducting the initial mandatory involuntary examination determines that the person does not meet the criteria for involuntary inpatient placement or involuntary outpatient placement, the person can be offered voluntary placement, if appropriate, or released directly from the hospital providing emergency medical services. Such determination must be documented in the person's clinical record.

(3)(2) If not released, use of recommended form CF-MH 3040, "Application for Voluntary Admission," as referenced in paragraph 65E-5.1302(1)(b), F.A.C., or recommended form CF-MH 3097, "Application for Voluntary Admission -

Minors," as referenced in subsection 65E-5.270(1), F.A.C., will be considered by the department to be sufficient if the person patient wishes to apply for voluntary admission.

(4)(3) If not released and the person patient wishes to transfer from involuntary to voluntary status, use of recommended form CF-MH 3104, "Certification of Person's Patient's Competence to Provide Express and Informed Consent," as referenced in paragraph 65E-5.170(1)(c), F.A.C., documenting the person patient is competent to provide express and informed consent, will be considered by the department to be sufficient.

(5)(4) All results and documentation of all elements of the initial mandatory involuntary examination shall be retained in the person's patient's clinical record.

(6)(5) If the person patient is not released or does not become a voluntary patient as a result of giving express and informed consent to admission and treatment in the first part of the involuntary examination, the person patient shall be examined by a psychiatrist to determine if the criteria for involuntary placement are met.

(7)(6) After the initial mandatory involuntary examination, the person's patient's clinical record shall include:

(a) An intake interview;

(b) The mandatory form CF-MH 3100, "Transportation to Receiving Facility," as referenced in subsection 65E-5.260(2), F.A.C., and recommended form CF-MH 3001, "Ex Parte Order for Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., or other form provided by the court, or mandatory form CF-MH 3052a, "Report of Law Enforcement Officer Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1) 65E-5.280(2)(a), F.A.C., or mandatory form CF-MH 3052b, "Certificate of Professional Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C.;

(c) The psychiatric evaluation, including the mental status examination or the psychological status report; and

(8)(7) Disposition Upon Initial Mandatory Involuntary Examination.

(a) The release of a person patient from a receiving facility requires the documented approval of a psychiatrist, or clinical psychologist, or if the receiving facility is a hospital, the release may also be approved by an attending emergency department physician after the completion of an Initial Mandatory Involuntary Examination. Use of recommended form CF-MH 3111, Jan 05 98, "Approval for Release of Person on Involuntary Status Patient from a Receiving Facility," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient. A copy of the form used shall be retained in the person's patient's clinical record.

(b) In order to document a person's transfer from involuntary to voluntary status, use of recommended form CF-MH 3040, "Application for Voluntary Admission," as referenced in paragraph 65E-5.1302(1)(b), F.A.C., or recommended form CF-MH 3097, "Application for Voluntary Admission – Minors," as referenced in subsection 65E-5.270(1), F.A.C., completed prior to transfer, will be considered by the department to be sufficient.

(c) A person for whom an involuntary examination has been initiated shall not be permitted to consent to voluntary admission until after examination by a physician, ~~as defined in Section 394.455(21), F.S.,~~ to confirm ~~his or her~~ their ability to provide express and informed consent to treatment. Use of recommended form CF-MH 3104, "Certification of Person's Patient's Competence to Provide Express and Informed Consent," as referenced in paragraph 65E-5.170(1)(c), F.A.C., will be considered by the department to be sufficient for documentation.

(d) If the facility administrator, based on facts and expert opinions, believes the person patient meets the criteria for involuntary placement or is incompetent to consent to treatment, the facility shall initiate involuntary placement within 72 hours of the person's patient's arrival by filing a petition for involuntary placement. Use of recommended form CF-MH 3032, "Petition for Involuntary Inpatient Placement," as referenced in subparagraph 65E-5.170(1)(d)1., F.A.C., will be considered by the department to be sufficient. Such petition shall be signed by the facility administrator or designee within the 72-hour examination period. The petition shall be filed with the court within the 72-hour examination period or, if the 72 hours ends on a weekend or legal holiday, no later than the next court working day thereafter. A copy of the completed petition shall be retained in the person's patient's clinical record and a copy given to the person patient and his or her ~~their~~ duly authorized legal decision-maker or representatives.

(e) When a person on involuntary status an involuntary patient is released, notice shall be given to the person's patient's guardian or representative, to any individual person who executed a certificate for involuntary examination, and to any court which ordered the person's patient's examination with a copy retained in the person's patient's clinical record. Use of recommended form CF-MH 3038, Jan ~~05 98~~, "Notice of Release or Discharge," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the district mental health program office, will be considered by the department to be sufficient.

Specific Authority 394.457(5) FS., Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.463, 394.465 FS. History--New 11-29-98, Amended _____.

65E-5.285 Involuntary Outpatient Placement.

(1) Petition for Involuntary Outpatient Placement.

(a) Proof of each criterion alleged must be by facts sufficient to reach the high standard of clear and convincing evidence and by evidence admissible pursuant to chapter 90, F.S. Hearsay evidence which is not otherwise admissible shall not be sufficient. Expert opinions and conclusions, alone, are not sufficient.

1. Evidence of age must be corroborated by date of birth shown on any one of the identification documents allowed by Section 117.05(5)(b)2., F.S. Such corroborated evidence is sufficient to document that the person is at least 18 years of age or older.

2. A diagnosis of mental illness shall be established and documented by a psychiatrist who has recently examined the person and whose observations of the person's condition are consistent with the statutory definition of mental illness, pursuant to Section 394.455(18), F.S., and the clinical description of that diagnosis as described in American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Washington, DC, American Psychiatric Association, which is incorporated by reference and may be obtained from the American Psychiatric Association, 1400 K Street, N. W., Washington, DC 20005.

3. The clinical determination that a person is unlikely to survive safely in the community without supervision must be supported by evidence showing previous incidents in which the person was in harmful situations which posed a real and substantial threat to his or her well being due to the person's lack of judgment, including the dates that the person was in such harmful situations.

4. The person's history of lack of compliance with treatment for mental illness must be supported by evidence showing specific previous incidents in which the person was non-compliant with treatment, including dates on which the person was non-compliant with treatment.

5. The person's involuntarily admission to a receiving or treatment facility or the mental health services in a forensic or correctional facility at least twice in the preceding 36 months, or person's acts of serious violent behavior toward self or others or attempted serious bodily harm to self or others at least once during the preceding 36 months, shall be supported by evidence admissible pursuant to Chapter 90, F.S.

6. Evidence of the unlikelihood of the person to voluntarily participate in the recommended treatment plan, and either his or her refusal of voluntary placement or inability to determine whether placement is necessary must be documented with dates and events supporting this finding.

7. Evidence of the person's treatment history and current behavior must be presented, including dates of such treatment to support the conclusion that the person needs involuntary

placement in order to prevent a relapse or deterioration that would be likely to result in serious bodily harm to self or others or a substantial harm to his or her well-being.

8. Evidence in addition to clinical determination or opinion must be presented to show what benefit the person would derive from involuntary outpatient placement that cannot be derived from voluntary outpatient placement.

9. Evidence in addition to clinical determination or opinion must be presented as to what more integrated alternatives were examined that would have offered an opportunity for the improvement of the persons condition and why each was judged to be inappropriate or unavailable.

(b) Petition filed by Receiving Facility Administrator.

1. If a person is retained involuntarily in a receiving facility, a petition for involuntary outpatient placement must be filed with the circuit court by the facility administrator within the 72-hour examination period, or if the 72 hours ends on a weekend or legal holiday, the petition shall be filed no later than the next court working day thereafter. Use of recommended form CF-MH 3130, Jan 05, "Petition for Involuntary Outpatient Placement," as referenced in subparagraph 65E-5.170(1)(d)2., F.A.C., and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient. A copy of the completed petition shall be retained in the person's clinical record.

2. A petition filed by a receiving facility administrator shall be filed in the county where the facility is located.

3 The administrator of the receiving facility or a designated department representative shall identify the service provider that will have responsibility of developing a treatment plan and primary responsibility for service provision under an order for involuntary outpatient placement, unless the person is otherwise participating in outpatient psychiatric treatment and is not in need of public financing for that treatment. Recommended form CF-MH 3140, Jan 05, "Designation of Service Provider for Involuntary Outpatient Placement," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient.

4. A treatment plan, complying with the requirements of Section 394.4655, F.S., and this rule, shall be attached to the petition, along with a certification from the service provider that the proposed services are available and funded for the person. Recommended form CF-MH 3145, Jan 05, "Proposed Individualized Treatment Plan for Involuntary Outpatient Placement and Continued Involuntary Outpatient Placement", which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient.

5. If the service provider developing a treatment plan, pursuant to involuntary outpatient placement determines the person is in need of services that cannot be proposed due to non-availability of services, funding, a willing provider, or

other reason, it shall submit a completed mandatory form CF-MH 3150, Jan 05, "Notice to Department of Children and Families of Non-Filing of Petition for Involuntary Outpatient Placement or Diminished Treatment Plan Due to Non-Availability of Services or Funding," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient.

6. A copy of the petition for involuntary outpatient placement and the proposed treatment plan shall be provided within one working day after filing by the clerk of the court to the respondent, department, guardian or representative, state attorney, and counsel for the respondent. A notice of filing of the petition shall be provided by the clerk of court using recommended form CF-MH 3021, Jan 05, "Notice of Petition for Involuntary Placement," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., or other equivalent form adopted by the court will be considered by the department to be sufficient.

(c) Petition Filed by Treatment Facility Administrator.

1. A petition for involuntary outpatient placement filed by a treatment facility administrator shall be filed prior to the expiration of the involuntary inpatient placement order in the county where the person will be living after discharge from the treatment facility.

2. A copy of recommended form CF-MH 7001, Jan 05, "State Mental Health Facility Discharge Form", as referenced in subsection 65E-5.1305(1), F.A.C., shall be attached to the petition.

3. The service provider designated by the department that will have primary responsibility for service provision shall provide a certification to the court, attached to the petition, that the services recommended in the discharge plan are available in the local community and that the provider agrees to provide those services.

4. The petition shall have attached an individualized treatment or service plan that addresses the needs identified in the discharge plan developed by the treatment facility as represented by form CF-MH 3145, Jan 05, "Proposed Individualized Treatment Plan for Involuntary Outpatient Placement and Continued Involuntary Outpatient Placement," as referenced in subparagraph 65E-5.285(1)(b)4., F.A.C., shall be considered sufficient by the department. The plan must have been deemed to be clinically appropriate by a physician, clinical psychologist, psychiatric nurse, or clinical social worker, as defined in Section 394.455, F.S.

5. A copy of the petition for involuntary outpatient placement and the proposed treatment plan shall be provided within one working day after filing by the clerk of the court to the respondent, department, guardian or representative, state attorney, and counsel for the respondent. A notice of filing of the petition shall be provided by the clerk of court using recommended form CF-MH 3021, Jan 05, "Notice of Petition

for Involuntary Placement,” as referenced in subparagraph 65E-5.285(1)(b)6., F.A.C., or other equivalent form adopted by the court will be considered by the department to be sufficient.

(2) Hearing on Petition for Involuntary Outpatient Placement

(a) The clerk of court shall provide notice of the hearing. Use of recommended form CF-MH 3035, Jan 05, “Notice of Petition for Involuntary Outpatient Placement,” which is incorporated by reference as if fully set out here, and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient.

(b) A hearing on the petition for involuntary outpatient placement shall be conducted within five working days after the filing of the petition in the county in which the petition is filed. The person is entitled, with the concurrence of counsel, to at least one continuance of the hearing, for a period of up to four weeks. Recommended form CF-MH 3113, Jan 05, “Notice to Court – Request for Continuance of Involuntary Placement Hearing,” which is incorporated by reference as if fully set out here, and may be obtained pursuant to Rule 65E-5.120, F.A.C., shall be considered sufficient by the department.

(c) The person and his representative or guardian shall be informed by the court of the right to an independent expert examination and that if the person cannot afford such an examination, the court shall provide for one. Recommended form CF-MH 3022, Jan 05, “Application for Appointment of Independent Expert Examiner,” which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., and shall be considered by the department as sufficient.

(d) Use of recommended form CF-MH 3033, Jan 05, “Notification to Court of Withdrawal of Petition on Involuntary Inpatient or Involuntary Outpatient Placement,” which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient if the facility administrator seeks to withdraw the petition for involuntary outpatient placement prior to the hearing. The facility will retain a copy in the person’s clinical record. When a facility withdraws a petition for involuntary placement, it shall immediately notify by telephone the court, state attorney, public defender or other attorney for the person, and guardian or representative of its decision to withdraw the petition.

(e) Testimony.

1. The court may waive the presence of the person from all or any part of the hearing if consistent with the best interests of the person and the person’s counsel does not object. The person may refuse to testify at the hearing.

2. One of the two professionals who executed the involuntary outpatient placement petition must testify as a witness at the hearing.

3. In addition to one of the two professionals who executed the petition, other persons on the staff of the receiving or treatment facility who have direct knowledge of how the person meets the criteria for involuntary outpatient placement shall be identified on the petition and shall be present to testify at the hearing, as requested by the court.

4. The court shall allow testimony from individuals, including family members, deemed by the court to be relevant, regarding the person’s prior history and how that prior history relates to the person’s current condition. Such testimony must be factual as to events and dates, and may only state opinions and conclusions to the extent allowed by Chapter 90, F.S.

5. A representative of the designated service provider shall be present as a witness at the hearing to provide testimony about the proposed treatment or service plan as requested by the court.

(f) If the court determines the person does not meet the criteria for involuntary outpatient placement, but instead meets the criteria for involuntary inpatient placement use of recommended form CF-MH 3001, Jan 05, “Ex Parte Order for Involuntary Inpatient Examination,” as referenced in subsection 65E-5.260(1), F.A.C., or other order used by the court, will be considered by the department to be sufficient.

(g) If the court determines the person meets the criteria for involuntary assessment, protective custody, or involuntary admission pursuant to Section 397.675 F.S., and issues an order for one of the same, use of recommended form CF-MH 3114, Jan 05, “Order Requiring Involuntary Assessment and Stabilization for Substance Abuse and for Baker Act Discharge of Person,” which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., or other order entered by the court, will be considered by the department to be sufficient.

(3) Court Order.

(a) If the court concludes that the person meets the criteria for involuntary outpatient placement pursuant to Section 394.4655, F.S., it shall prepare an order. Use of recommended form CF-MH 3155, “Order for Involuntary Outpatient Placement or Continued Involuntary Outpatient Placement”, as referenced in Rule 65E-5.290, F.A.C., or other order entered by the court, will be considered by the department to be sufficient for this purpose. This signed order shall be given to the person, guardian, guardian advocate or representative, counsel for the person, state attorney, and administrator of the receiving or treatment facility, with a copy of the order retained in the person’s clinical record.

(b) Upon receipt of the court order for Involuntary outpatient placement, the administrator of the receiving or treatment facility will provide a copy of the court order and adequate documentation of a person’s mental illness to the service provider, including any advance directives, a

psychiatric evaluation of the person, and any evaluations of the person performed by a clinical psychologist or clinical social worker.

(c) In order for the department to implement the provisions of Section 394.463(2)(e), F.S., and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, service providers shall forward copies of each recommended form CF-MH 3155, "Order for Involuntary Outpatient Placement or Continued Involuntary Outpatient Placement," as referenced in Rule 65E-5.290, F.A.C., or other order provided by the court, accompanied by mandatory form CF-MH 3118, Jan 05, "Cover Sheet to Agency for Health Care Administration," as referenced in subsection 65E-5.280(5), F.A.C., to: BA Reporting Center, FMHI-MHC 2618, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

(d) At any time material modifications are proposed to the court ordered treatment plan for which the person and his or her substitute decision maker if any, agree, the service provider shall submit recommended form CF-MH 3160, Jan 05, "Notice to Court of Modification to Treatment Plan for Involuntary Outpatient Placement and/or Petition Requesting Approval of Material Modifications to Plan," which is hereby incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient. If the person or his substitute decision maker object to the modifications proposed by the service provider or wish to propose modifications not proposed by the service provider, such a petition to the court shall use recommended form CF-MH 3160, Jan 05, "Notice to Court of Modification to Treatment Plan for Involuntary Outpatient Placement and/or Petition Requesting Approval of Material Modifications to Plan," as referenced in this subsection, will be considered by the department to be sufficient.

(e) If the person who is subject to an order for involuntary outpatient placement, or his or her substitute decision-maker, objects to the service provider that is court ordered to provide his or her treatment or services, recommended form CF-MH 3175, Jan 05, "Petition for Change of Involuntary Outpatient Placement Service Provider", which is hereby incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient.

(f) If a physician has determined the person who is subject to a court order for involuntary outpatient placement has failed or has refused to comply with the treatment ordered by the court, and in his or her clinical judgment, efforts were made to solicit compliance and the person meets the criteria for involuntary examination, the person may be brought to a receiving facility pursuant to Section 394.463 Florida Statutes. Recommended form CF-MH 3165, Jan 05, "Physician's Certificate of Non-Compliance with Involuntary Outpatient Treatment Order and Initiation of Involuntary Examination,"

which is hereby incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient.

(4) Continued Involuntary Outpatient Placement.

(a) A request for continued involuntary outpatient placement by the service provider administrator shall be filed prior to the expiration of the period for which the treatment was ordered. Use of recommended form CF-MH 3180, Jan 05, "Petition Requesting Authorization for Continued Involuntary Outpatient Placement", which is incorporated by reference as if fully set out here, and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient as documentation of that request. The petition shall be filed with the clerk of the circuit court in the county where the person who is the subject of the petition resides.

(b) The petition requesting authorization for continued involuntary outpatient placement shall contain the signed statement of the person's physician or clinical psychologist justifying the request and shall be accompanied by the following additional documentation:

1. Support for the facts in the statement of the physician or clinical psychologist;
2. A brief summary of the person's treatment during the time he or she was subject to involuntary placement; and
3. An individualized plan of continued treatment.

(c) If the service provider developing a treatment plan, pursuant to involuntary outpatient placement determines the person is in need of services that cannot be proposed due to non-availability of services, funding, a willing provider, or other reason, it shall submit a completed mandatory form CF-MH 3150, Jan 05, "Notice to Department of Children and Families of Non-Filing of Petition for Involuntary Outpatient Placement or Diminished Treatment Plan Due to Non-Availability of Services or Funding," as referenced in subparagraph 65E-5.285(1)(b)5., F.A.C., will be considered by the department to be sufficient.

(d) Proof of each criterion alleged must be by facts sufficient to reach the high standard of clear and convincing evidence and by evidence admissible pursuant to chapter 90, F.S. Hearsay evidence which is not otherwise admissible shall not be sufficient. Expert opinions and conclusions, alone, are not sufficient.

(e) The clerk of court shall provide notice of the hearing. Use of recommended form CF-MH 3021, Jan 05, "Notice of Petition for Involuntary Placement as referenced in subparagraph 65E-5.285(1)(b)6., F.A.C., will be considered by the department to be sufficient.

(f) The person and his or her attorney may agree to a period of continued outpatient placement without a court hearing. Should such a hearing be waived, use of recommended form CF-MH 3185, Jan 05, "Notice to Court of Waiver of Continued Involuntary Outpatient Placement Hearing and Request for Order", which is incorporated by

reference as if fully set out here, and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient.

(g) Use of recommended form CF-MH 3033, Jan 05, "Notification to Court of Withdrawal of Petition on Involuntary Inpatient or Outpatient Placement," as referenced in paragraph 65E-5.285(2)(d), F.A.C., will be considered by the department to be sufficient if the facility administrator seeks to withdraw the petition for continued involuntary outpatient placement prior to the hearing. The facility will retain a copy in the person's clinical record. When a facility withdraws a petition for involuntary placement, it shall immediately notify by telephone the court, state attorney, attorney for the person, and guardian or representative of its decision to withdraw the petition.

(h) Based on the findings at the hearing, the court may extend the period of involuntary outpatient placement, release the person from involuntary outpatient placement, or find the person eligible for voluntary status. Use of recommended form CF-MH 3031, Jan 05, "Order for Continued Involuntary Inpatient Placement or for Release", which is incorporated by reference as if fully set out here, and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the department to be sufficient for this purpose. A copy of the completed order shall be filed in the person's clinical record and a copy shall be provided to the person, attorney, facility administrator, and guardian, guardian advocate or representative.

(i) In order for the department to implement the provisions of Section 394.463(2)(e), Florida Statutes, and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, service providers shall forward copies of each recommended form CF-MH 3155, "Order for Involuntary Outpatient Placement or Continued Involuntary Outpatient Placement", as referenced in Rule 65E-5.290, F.A.C., or other order provided by the court, accompanied by mandatory form CF-MH 3118, Jan 05, "Cover Sheet to Agency for Health Care Administration", as referenced in subsection 65E-5.280(5), F.A.C., to: BA Reporting Center, FMHI-MHC 2618, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

(j) If at any time material modifications are proposed to the court ordered treatment plan to which the person and his or her substitute decision maker, if any, agree, the service provider shall submit recommended form CF-MH 3160, Jan 05, "Notice to Court of Modification to Treatment Plan for Involuntary Outpatient Placement and/or Petition Requesting Approval of Material Modifications to Plan," as referenced in paragraph 65E-5.258(3)(d), F.A.C., will be considered by the department to be sufficient. If the person or his substitute decision maker object to the modifications proposed by the service provider or wish to propose modifications not proposed by the service provider, such a petition to the court shall use

recommended form CF-MH 3160, Jan 05, "Notice to Court of Modification to Treatment Plan for Involuntary Outpatient Placement and/or Petition Requesting Approval of Material Modifications to Plan", as referenced in paragraph 65E-5.258(3)(d), F.A.C., will be considered by the department to be sufficient.

(k) If the person who is subject to an order for continued involuntary outpatient placement, or his or her substitute decision-maker, objects to the service provider that is court ordered to provide his or her treatment or services, recommended form CF-MH 3175, Jan 05, "Petition for Change of Involuntary Outpatient Placement Service Provider," as referenced in paragraph 65E-5.258(3)(e), F.A.C., will be considered by the department to be sufficient.

(l) If a physician has determined the person who is subject to a court order for involuntary outpatient placement has failed or has refused to comply with the treatment ordered by the court, and in his or her clinical judgment, efforts were made to solicit compliance and the person meets the criteria for involuntary examination, the person may be brought to a receiving facility pursuant to Section 394.463 F.S. Recommended form CF-MH 3165, Jan 05, "Physician's Certificate of Non-Compliance with Involuntary Outpatient Treatment Order and Initiation of Involuntary Examination," as referenced in paragraph 65E-5.285(3)(f), F.A.C., will be considered by the department to be sufficient.

(5) Discharge from Involuntary Outpatient Placement.

(a) At any time a person no longer meets each of the criteria for involuntary outpatient placement, the administrator of the service provider shall discharge the person from treatment or transfer the person, if the person is able and willing to provide express and informed consent, to voluntary status.

(b) Recommended form CF-MH 3038, Jan 05, "Notice of Release or Discharge," as referenced in paragraph 65E-5.2801(8)(e), F.A.C., will be considered by the department to be sufficient. The administrator of the service provider will provide notification to the person, guardian, guardian advocate, representative, attorney for the person, and the court that ordered such treatment, with a copy placed in the person's clinical record.

(c) At any time the person who is subject to an order for Involuntary Outpatient Placement or Continued Involuntary Outpatient Placement, or another person on his or her behalf, believes any one of the criteria for involuntary outpatient placement are no longer met, a petition for termination of involuntary outpatient placement order may be filed with the circuit court having jurisdiction. Recommended form CF-MH 3170, Jan 05, "Petition for Termination of Involuntary Outpatient Placement Order," which is hereby incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., will be considered by the

department to be sufficient. If the court determines to conduct a hearing on the petition, notice of the hearing shall be provided by the clerk of court, pursuant to Section 394.4599, F.S.

Specific Authority 394.4655(7) FS., Chapter 2004-385, Section 10, L.O.F. Law Implemented 90, 117.05(5)(b)2., 394.4655(7) FS. History—New

65E-5.290 Involuntary Inpatient Placement.

(1) If a person patient is retained involuntarily after an involuntary examination is conducted, a petition for involuntary inpatient placement or involuntary outpatient placement shall be filed with the court by the facility administrator within the 72-hour examination period, or if the 72 hours ends on a weekend or legal holiday, the petition shall be filed no later than the next court working day thereafter. Use of recommended form CF-MH 3032, “Petition for Involuntary Inpatient Placement” as referenced in subparagraph 65E-5.170(1)(d)1., F.A.C. or recommended form CF-MH 3130, “Petition for Involuntary Outpatient Placement,” as referenced in subparagraph 65E-5.170(1)(d)2., F.A.C., will be considered by the department to be sufficient. A copy of the completed petition shall be retained in the person’s patient’s clinical record.

(2) Proof of each criterion alleged must be by facts sufficient to reach the high standard of clear and convincing evidence and by evidence admissible pursuant to Chapter 90, F.S. Hearsay evidence which is not otherwise admissible shall not be sufficient. Expert opinions and conclusions, alone, are not sufficient.

(3)(2) Use of recommended form CF-MH 3021, Jan 05 98, “Notice of Petition for Involuntary Placement,” as referenced in subparagraph 65E-5.285(1)(b)6., F.A.C., which is incorporated by reference as if fully set out here, and may be obtained from the district mental health program office, when properly completed, will be considered by the department to satisfy the requirements of Section 394.4599, F.S. A copy of that completed form, or its equivalent, shall be retained in the person’s patient’s clinical record. In all cases involving potential involuntary inpatient placement in a state treatment facility, a copy of the completed form shall also be provided to the designated community mental health center or clinic for purposes of conducting a transfer evaluation.

(4)(3) Use of recommended form CF-MH 3113, Jan 05 98, “Notice to Court – Request for Continuance of Involuntary Placement Hearing,” as referenced in paragraph 65E-5.285(2)(b), F.A.C., which is incorporated by reference as if fully set out here and may be obtained from the district mental health program office, will be considered by the department to be sufficient when used by the counsel representing a person patient in requesting a continuance. A completed copy of the form used shall be provided to the facility administrator for retention in the person’s patient’s clinical record.

(5)(4) Use of recommended form CF-MH 3022, Jan 05 98, “Application for Appointment of Independent Expert Examiner,” as referenced in paragraph 65E-5.285(2)(c), F.A.C. which is incorporated by reference as if fully set out here and may be obtained from the district mental health program office, will be considered by the department to be sufficient to request the expert examiner.

(6)(5) Use of recommended form CF-MH 3033, Jan 05 98, “Notification to Court of Withdrawal of Petition on Involuntary Inpatient or Outpatient Placement,” as referenced in paragraph 65E-5.285(2)(d), F.A.C. which is incorporated by reference as if fully set out here, and may be from the district mental health program office, will be considered by the department to be sufficient if the facility administrator seeks to withdraw the petition for involuntary placement prior to the hearing. The facility shall will retain a copy in the person’s patient’s clinical record. When a facility withdraws a petition for involuntary inpatient placement, it shall immediately notify by telephone the court, state attorney, attorney for the person patient, and guardian or representative of its decision to withdraw the petition. In all cases involving potential involuntary inpatient placement in a state treatment facility, a copy of the notification form shall also be provided to the designated community mental health center or clinic responsible for conducting a transfer evaluation.

(7)(6) If the court determines the person patient meets the criteria for involuntary assessment, protective custody, or involuntary admission pursuant to Section 397.675, F.S., and issues an order, use of recommended form CF-MH 3114, Jan 05 98, “Order Requiring Involuntary Assessment and Stabilization for Substance Abuse and for Baker Act Discharge of Person Patient,” as referenced in paragraph 65E-5.285(2)(g), F.A.C. which is incorporated by reference as if fully set out here, and may be obtained from the district mental health program office, or other order used by the court, will be considered by the department to be sufficient.

(8) If at any time prior to the conclusion of the hearing on involuntary inpatient placement, the person instead meets the criteria for involuntary outpatient placement, the court may order the person evaluated for involuntary outpatient placement. Recommended form CF-MH 3115, Jan 05, “Order Requiring Evaluation for Involuntary Outpatient Placement,” which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., or other order used by the court, will be considered by the department to be sufficient.

(9)(7) If the court concludes that the person patient meets the criteria for involuntary inpatient placement pursuant to Section 394.467, F.S., it shall prepare an order. Use of recommended form CF-MH 3008, “Order for Involuntary Inpatient Placement,” as referenced in paragraph 65E-5.1302(1)(b), F.A.C., or other order used by the court, will be considered by the department to be sufficient for this

purpose. This signed order shall be given to the person patient, guardian advocate or representative, counsel for the person patient, state attorney, and administrator of the receiving or treatment facility, with a copy of the order retained in the person's patient's clinical record.

(10) In order for the department to implement the provisions of Section 394.463(2)(e), F.S., and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, designated receiving facilities and treatment facilities shall forward copies of each recommended form CF-MH 3008, "Order for involuntary Inpatient Placement," as referenced in paragraph 65E-5.1302(1)(b), F.A.C., or other order provided by the court, accompanied by mandatory form CF-MH 3118, Jan 05, "Cover Sheet to Agency for Health Care Administration," as referenced in subsection 65E-5.280(5), F.A.C., to: BA Reporting Center, FMHI-MHC 2618, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

Specific Authority 394.457(5) F.S., Chapter 2004-385, Section 10, L.O.F. Law Implemented 394.467 FS. History--New 11-29-98, Amended _____.

65E-5.300 Continued Involuntary Inpatient Placement at Treatment Facilities.

(1) In order to request continued involuntary inpatient placement, the treatment facility administrator shall, prior to the expiration of the period during which the treatment facility is authorized to retain the person patient, file a request for continued placement. Use of recommended form CF-MH 3035, Jan 05 98, "Petition Requesting Authorization for Continued Involuntary Inpatient Placement," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., ~~from the district mental health program office~~, will be considered by the department to be sufficient as documentation of that request. The petition shall be filed with the Division of Administrative Hearings within 20 days prior to the expiration date of a person's patient's authorized period of placement or, in the case of a minor, the date when the minor patient will reach the age of majority. The petition shall contain the signed statement of the person's patient's physician, ~~as defined in Section 394.455(21), F.S.~~, or clinical psychologist justifying the request and shall be accompanied by the following additional documentation:

(a) Support for the facts in the statement of the physician, ~~as defined in Section 394.455(21), F.S.~~, or clinical psychologist;

(b) A brief summary of the person's patient's treatment during the time he or she was placed; and

(c) An individualized treatment plan.

(2) Proof of each criterion alleged must be by facts sufficient to reach the high standard of clear and convincing evidence and by evidence admissible pursuant to Chapter 90.

F.S. Hearsay evidence which is not otherwise admissible shall not be sufficient. Expert opinions and conclusions, alone, are not sufficient.

(3)(2) The administrative law judge shall provide notice of the hearing. Use of recommended form CF-MH 3024, Jan 05 98, "Notice of Petition for Continued Involuntary Placement," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., ~~from the district mental health program office~~, will be considered by the department to be sufficient for this purpose. Copies shall be provided to the person patient, attorney, and guardian, guardian advocate or representative, with a copy of the notice filed in the person's patient's clinical record.

(4)(3) If the administrative law judge finds evidence that the person patient has regained his or her competency to consent to treatment, the administrative law judge shall notify the court appointing the guardian advocate. Use of recommended form CF-MH 3116, "Findings and Recommended Order Restoring Person's Patient's Competence to Consent to Treatment and Discharging the Guardian Advocate," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., ~~from the district mental health program office~~, will be considered by the department to be sufficient.

(5)(4) Based on the findings of the hearing, the administrative law judge may return the person patient to involuntary placement pending the next statutorily required periodic hearing, release the person patient from placement, or find the person patient eligible for voluntary status. Use of recommended form CF-MH 3031, Jan 05 98, "Order for Continued Involuntary Inpatient Placement or for Release," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C., ~~from the district mental health program office~~, will be considered by the department to be sufficient for this purpose. A copy of the completed order shall be filed in the person's patient's clinical record and a copy shall be provided to the person patient, attorney, facility administrator, and guardian, guardian advocate or representative.

(6) In order for the department to implement the provisions of Section 394.463(2)(e), F.S., and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, designated receiving facilities and treatment facilities shall forward copies of each recommended form CF-MH 3031, "Order for Continued Involuntary Inpatient Placement or Release," as referenced in Rule 65E-5.300, F.A.C., or other order provided by the court, accompanied by mandatory form CF-MH 3118, Jan 05, "Cover Sheet to Agency for Health Care Administration," as referenced in subsection 65E-5.280(5), F.A.C., and may be obtained pursuant to Rule 65E-5.120, F.A.C., to: BA Reporting Center, FMHI-MHC 2618, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

Specific Authority 394.457(5) FS., Chapter 20045-385, Section 10, L.O.F.
Law Implemented 394.463(2)(e), 394.467(7) FS. History–New 11-29-98,
Amended _____.

65E-5.310 Transfer of Persons Patients Among Facilities.

(1) Use of recommended form CF-MH 3046, Jan 05 98, “Application for and Notice of Transfer to Another Facility,” which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. from the ~~district mental health program office~~, will be considered by the department to be sufficient to request the transfer of a person patient to another receiving or treatment facility. This application, or its equivalent, shall be completed and filed with the facility administrator or designee. A copy of the completed application shall be retained in the person’s patient’s clinical record.

(2) The administrator of the facility or designee at which the person patient resides shall, without delay, submit an application for transfer to the administrator of the facility to which a person patient has requested transfer. Upon acceptance of the person patient by the facility to which the transfer is sought, the administrator of the transferring facility or his or her designee shall mail the statutorily required notices to the person patient, the person’s patient’s attorney, guardian, guardian advocate or representative, retaining a copy in the person’s patient’s clinical record. Use of recommended form CF-MH 3046, “Application for and Notice of Transfer to Another Facility,” as referenced in subsection 65E-5.310(1), F.A.C., will be considered by the department to be sufficient for this documentation.

(3) If the proposed transfer of a person patient originates with the administrator of the facility or his or her designee or with the treating physician, ~~as defined in chapter 458 or 459, FS.~~, a notice of transfer is required. The notice shall be completed by the administrator or designee of the transferring facility, after acceptance of the person patient by the facility to which he or she will be transferred, with copies provided prior to the transfer to those required by law, with a copy retained in the person’s patient’s clinical record. Use of recommended form CF-MH 3046, “Application for and Notice of Transfer to Another Facility,” as referenced in subsection 65E-5.310(1), F.A.C., will be considered by the department to be sufficient for this purpose.

(4) All relevant documents including a copy of the person’s patient’s clinical record, shall be transferred prior to or concurrent with the person patient to the new facility.

(5) Each facility shall develop and implement policies and procedures for transfer that provide for patient safety and care during transportation.

Specific Authority 394.457(5) FS. Law Implemented 394.4599, 394.4685 FS.
History–New 11-29-98, Amended _____.

65E-5.320 Discharge of Persons on Involuntary Status Patients.

A receiving or treatment facility administrator shall provide prompt written notice of the discharge of a person on an involuntary status patient to the person patient, guardian, guardian advocate, representative, initiating professional, and circuit court, with a copy retained in the person’s patient’s clinical record. Use of recommended form CF-MH 3038, “Notice of Release or Discharge,” as referenced in paragraph 65E-5.280(7)(e), F.A.C., will be considered by the department to be sufficient as documentation of such notice. If the discharge occurs while a court hearing for involuntary placement or continued involuntary placement is pending, all parties including the state attorney and attorney representing the person patient, shall be given telephonic notice of the discharge by the facility administrator or his or her designee.

Specific Authority 394.457(5) FS. Law Implemented 394.463(3), 394.469 FS.
History–New 11-29-98, Amended _____.

65E-5.330 Training.

(1) In order to ensure the protection of the health, safety, and welfare of persons patients treated in receiving and treatment facilities, required by Section 394.457(5)(b), F.S., the following is required:

(a) Each designated receiving and treatment facility shall develop policies and procedures for abuse reporting and shall conduct training which shall be documented in each employee’s personnel record or in a training log.

(b) All staff who have contact with persons served with patient contact shall receive training in verbal de-escalation techniques and the use of bodily control and physical management techniques based on a team approach. ~~Less restrictive~~ Verbal de-escalation interventions shall be employed before physical interventions, whenever possible.

(c) All staff who have contact with persons served with patient contact shall receive training in cardiopulmonary resuscitation within the first six months of employment if not already certified when employed and shall maintain current certification as long as duties require direct patient contact with persons served by the facility.

(d) A personnel training plan that prescribes and assures that direct care staff, consistent with their assigned duties, shall receive and complete before providing direct care or assessment services, 14 hours of basic orientation training, documented in the employee’s personnel record, in the following:

1. ~~Patient rights~~ Rights of persons served by the facility and facility procedures required under Chapter 394, part I, F.S., and Chapter 65E-5, F.A.C.;

2. Confidentiality laws including psychiatric, substance abuse, HIV and AIDS;

3. Facility incident reporting;
4. Restrictions on the use of seclusion and restraints, consistent with unit policies and procedures, and this chapter;
5. Abuse reporting required by Chapter 415, F.S.;
6. Assessment for past or current sexual, psychological, or physical abuse or trauma;
7. Cross-training for identification of, and working with, individuals recently engaging in substance abuse;
8. Clinical risk and competency assessment;
9. Universal or standard practices for infection control;
10. Crisis prevention, crisis intervention and crisis duration services; ~~and~~
11. Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition; ~~and~~
12. Honoring preferences contained in advance directives prepared by persons served by the facility.

(2) In addition to the training required in this rule, procedures must assure that mental health services staff shall annually receive 12 hours continuing training in the skills and knowledge employed in performing their respective responsibilities. Employees during their first year of employment shall undergo no less than the 14 hours of orientation, as described in paragraph (1)(c) above, and 12 hours of in-service training.

(3) Procedures shall require that ~~individuals~~ professionals who deliver the staff training curriculum for mental health services shall be qualified by their experience and training in the content presented.

(4) A plan shall be developed and implemented providing for the mandatory training for employees, emergency room personnel and physicians, ~~as defined in Section 394.455(21), F.S.,~~ in the Baker Act, relative to their positions and responsibilities, and any implementing local coordination agreements or protocols.

Specific Authority 394.457(6)(a) FS. Law Implemented 394.457(5)(b),(6), 394.459(4) FS. History—New 11-29-98, Amended _____.

65E-5.350 Eligibility Criteria and Procedures for Designation of Baker Act Receiving Facilities.

(1) General Provisions. Pursuant to Section 394.455(26), F.S. and Section 394.461, F.S., only facilities designated by the department are permitted to involuntarily hold and treat persons for a mental illness, except as required by 42 USC 1395 for all hospitals providing emergency services for access, assessment, stabilization and transfer.

(2) Designation as a private receiving or treatment facility shall not entitle the facility to receive any funding appropriated for the Baker Act. Such funding is based solely on a contract between the department and the facility, specifically for this purpose.

(3) Two types of licensed civil facilities are authorized to provide acute psychiatric treatment and are eligible to apply for designation as receiving facilities. Since designation to receive persons under Chapter 394, Part I, F.A.C., does not distinguish

between the capacity to serve adults and minors, all designated facilities are required to provide emergency services, consistent with their facility’s licensure to persons regardless of age, except as provided for under (4) of this subsection.

(a) Hospitals licensed under the authority of Chapter 395, F.S., to provide psychiatric care may be designated as either public or private receiving facilities.

(b) Facilities licensed under the provisions of Chapter 394, part IV, F.S., shall only be designated as public receiving facilities and may include only crisis stabilization units (CSU) and children’s crisis stabilization units (CCSU). Short-term residential treatment facilities (SRT) are not free-standing emergency care units and may only be designated collectively with a CSU or CCSU as part of a public receiving facility.

(4) Specific ~~Special~~ Circumstances for Designation. Pursuant to the exceptions authorized under Section 394.462(3), F.S., for transportation purposes, and at the discretion of the department’s district or regional office with the approval of the Mental Health and Substance Abuse Program Supervisor, a facility designation may be modified or restricted to specify services for just adults or for just children, consistent with its license and subject to inclusion and subsequent approval by required parties as part of an approved transportation exemption plan.

(5) Application and Supporting Documentation for Designation. In order to apply for designation as a receiving facility, an applicant must complete and submit mandatory form CF-MH 3125, Jan ~~05 98,~~ “Application for Designation as a Receiving Facility,” which is hereby incorporated by reference as if fully set out here and may be obtained in accordance with Rule 65E-5.120, F.A.C. from the district mental health program office. Required application information includes:

(a) A copy of the facility’s license issued pursuant to Chapters 394 or 395, F.S., evidencing its eligibility to apply for designation;

(b) A current certificate of good standing for the applicant organization issued by the Florida Secretary of State;

(c) Documentation of the applicant’s governing authority action authorizing the application for designation;

(d) Description of proposed psychiatric services including any distinct programs to be provided to each of the following consumer age groups, and the projected numbers of persons to be served in each following group:

1. Minors below 10 years of age;
2. Minors between the ages of 10 to 17 years;
3. Adults;
4. Persons 60 or more years of age; and
5. Other specific ~~specialty~~ populations.

(e) The corresponding street address for each reception and treatment location for the above services must be provided. Designation is limited to only the locations specified in the application and approved by the department; and

(f) Documentation of community need for maintaining or expanding the present level of designated facilities' services to meet the existing need, and why the applicant is best suited to meet this need.

1. The information may address the public's need for specific specialty services for minors, aged, blind or hearing-impaired persons. Evidence of such need may include: Certificate of Need data and other information published by the Agency for Health Care Administration, the organization's or community's utilization of available or licensed bed capacity, geographical accessibility information, input from local governmental agencies, or information on the specific special needs of persons if the particular specialty services offered are accredited or certified by a nationally recognized body for that specific specialty population or service.

2. The applicant shall describe local need and accommodation of that need for indigent and low income individuals and families receiving the facility's services. The applicant shall describe how it shall protect economically vulnerable persons received for involuntary examination or treatment from exorbitant charges and billings for services. A statement comparing representative facility charges and billings for individuals who are uninsured or without a third party payer who are held under the provisions of the Baker Act to otherwise similar representative charges and billings for group health care members and insurers shall be included.

3. The applicant shall describe local need and accommodation of that need for indigent and low income individuals and families being discharged from the facility in need of continuing psychotropic medications. The applicant shall describe how it shall directly provide, or otherwise assist the person patient in ensuring continuity of availability of necessary psychotropic medications until a scheduled aftercare medication appointment.

(g) Documentation of key facility protocols to assure all involved practitioners and staff are knowledgeable of, and implement, person's patient's legal rights, key psychiatric care, records standards, complaint reporting, investigation and reviews to maintain a consistently high level of compliance with applicable Baker Act laws, ethical principles, and patient rights protections;

(h) Description of how the facility's physical structure, staffing and policies offers patients frequent, if not daily, opportunity for persons to have exercise, fresh air and sunshine, except as individually restricted and documented in the person's patient's clinical record and within the physical limitations of the facility;

(i) Description of how the facility's discharge planning policies provide for continuity of medication availability until post-discharge follow-up services are scheduled; and

(j) For general hospitals, a description of the means utilized to create or approximate a distinct psychiatric emergency reception and triage area that minimizes individual's exposure to undue and exacerbating environmental stresses while awaiting or receiving services.

(6) Application Process for Designation.

(a) Within 90 days of the effective date of this rule, all facilities desiring to obtain, or to retain, designation as a receiving facility must complete and submit mandatory form CF-MH 3125, "Application for Designation as a Receiving Facility," as referenced in subsection 65E-5.350(5), F.A.C., for departmental review. All receiving facility designations shall be subject to departmental review and authorization in accordance with the provisions of chapter 394, part I, F.S., and this chapter, within 240 days after the effective date of this rule.

(b) The department's district or regional office is responsible for receipt of the application, reviewing the application, requesting additional information as needed, verifying essential information, and forwarding the information along with the ~~district administrator's~~ recommendation of the Mental Health and Substance Abuse Program Supervisor to the Secretary for final action. Applications received that are incomplete will be returned by certified mail with a letter informing the applicant of missing items. The district or region will seek and review pertinent information from any source such as:

1. Accreditation status and submission of the latest survey report of the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) or other accrediting bodies;

2. Relevant history of compliance with the Baker Act and other related patient protection laws protecting persons served by mental health facilities;

3. Agency for Health Care Administration (AHCA) licensure reports and complaint investigation findings against the facility or professionals associated with the facility;

4. Actions, findings or reports of the Florida Local Advocacy Council, ~~Human Rights Advocacy Committee (HRAC)~~ and other district or regional consumer complaint offices;

5. Florida Abuse Hotline receipt, or lack or receipt, of complaints and actions;

6. Actions initiated by any state enforcement authority including the Florida Attorney General's Office, the Florida Department of Law Enforcement, the Florida Department of Insurance, and statewide or local State's Attorneys Offices; and

7. Actions initiated by any federal law enforcement or investigative authority including the federal Department of Health and Human Services, the federal Health Care and Finance Administration, and the Federal Bureau of Investigation against the facility, its employees, privileged personnel or contractors, subcontractors, or operators relating to patient services, billings or operations.

(c) The district, upon receipt of a properly completed application, shall schedule and advertise a public meeting for purposes of obtaining public input and information on the designation or re-designation of the applicant.

(d) In meeting the local need for designated facilities, priority shall be given to facilities with management that consistently exhibits high levels of compliance with Chapter 394, part I, F.S., this rule chapter, and related patient protection laws in Chapters 395, 415, 458, and 817, F.S., as documented in state agencies' files.

(e) The submission of the district or region's ~~district's~~ recommendation to the Secretary must include a listing of the key information sources and pertinent factors relied upon in making the recommendation and a summary of the comments and information received at the public meeting.

(f) Within 60 days of receiving the recommendation from the district or region administrator, the Secretary, or the Secretary's designee, will review the district or region recommendation and supporting documentation and will issue final departmental action with regard to the application which may be approved, denied, or returned to the district or region for additional information or processing.

(g) The initial designation shall be for one, two or three years, randomly assigned, with one-third of facilities assigned an initial one year designation, one-third assigned an initial two year designation, and one-third assigned an initial three year designation. Thereafter, each approved designation will be for a period of three years.

(7) Re-Applications for Renewal of Designation.

(a) A re-application must be submitted for re-designation every three calendar years, after approval of initial applications.

(b) A renewal application shall be forwarded to the department at least 90 days prior to the expiration of its existing designation.

(c) A re-application must be submitted by a facility upon a change of controlling ownership of the facility or of the contractual management entity for the psychiatric service. Failure to submit notification to the department of changes of controlling ownership or a change in the management entity within 30 days after the change will terminate the facility's designation 60 days after the effective date of the action changing the control of ownership or management.

(d) Any change in the name of a facility that remains under the same ownership and management, must be reported in writing to the department's district or regional office within 30 days after the effective date of the change. Upon receipt of the notification, the department will issue a letter confirming receipt of the notification and extending designation until a replacement certificate of designation showing the correct facility name is received by the facility. Failure to provide such notification to the district or region administrator within 30

days of the change will result in the withdrawal of the designation upon the expiration of the 60th day following the facility name change.

(8) Certificate of Designation.

(a) Upon approval by the Secretary or his or her designee, the department shall issue a certificate of designation which shall include the following information on the face of the Certificate of Designation:

1. Effective commencement date and expiration date;
2. Name of the owner and licensee as stated on the facility license issued by the Agency for Health Care Administration; and
3. Street address of where patient services are provided ~~unit~~.

(b) The certificate shall be prominently displayed to the general public. Designation provided by this certificate is invalid if the information on the certificate is not correct or the information provided in the submitted application is false or misleading.

Specific Authority 394.461(4) FS. Law Implemented 394.461(4) FS. History--New 11-29-98, Amended _____.

65E-5.351 Minimum Standards for Designated Receiving Facilities.

(1) Any facility designated as a receiving facility failing to comply with this chapter may have such designation suspended or withdrawn.

(2) Each receiving facility shall have policies and procedures that prescribe, monitor and enforce all requirements specified in Chapter 65E-5, F.A.C.

(3) Each receiving facility shall assure that its reception, screening, and inpatient services are fully operational 24-hours-per-day, 7-days-per-week.

(4) Each receiving facility shall have a compliance program that monitors facility and professional compliance with Chapter 394, part I, F.S. and this chapter. Every such program shall specifically monitor the adequacy of and the timeframes involved in the facility procedures utilized to expedite obtaining informed consent for treatment. This program may be integrated with other activities.

(5) A public receiving facility that is affiliated with a publicly funded community mental health center shall ensure the centralized provision and coordination of acute care services for eligible individuals with an acute mental illness.

Specific Authority 394.461(4) F.S. Law Implemented 394.461(4) FS. History--New 11-29-98, Repromulgated _____.

65E-5.352 Procedures for Complaints and Investigations in Receiving Facilities.

Complaints with regard to the provisions of this chapter shall be filed with the district or region Mental Health and Substance Abuse Program Supervisor ~~of administrator~~, or designee, of the district or region in which the violation is alleged to have

occurred. The district or region Mental Health and Substance Abuse Program Supervisor administrator shall appoint one or more employees to determine if an investigation is warranted. If warranted, the investigation may include the assistance of other agencies having jurisdiction over the facility. If the district or region Mental Health and Substance Abuse Program Supervisor administrator determines that a violation of this chapter has occurred:

(1) Corrective action shall be required and a reasonable time in which to correct the violation shall be accorded to the facility; or

(2) If the corrective action is not sufficient, or the district or region Mental Health and Substance Abuse Program Supervisor administrator determines that the violation warrants suspension or removal of designation, such action shall be considered pursuant to Rule 65E-5.353, F.A.C.

Specific Authority 394.461(4) FS. Law Implemented 394.461(4) FS. History--New 11-29-98, Amended _____.

65E-5.353 Criteria and Procedures for Suspension or Withdrawal of Designation of Receiving Facilities.

(1) The district or regional offices of the department shall continuously collect and monitor information relative to complaints or allegations against designated facilities from sources such as individuals, local advocacy or self-help groups, local organizations including law enforcement, the Agency for Health Care Administration, and the Florida Local Advocacy Council human rights advocacy committee. When a district or region Mental Health and Substance Abuse Program Supervisor administrator recommends to the Secretary, or the Secretary's designee, withdrawal or suspension of designation, at least the following information must be submitted with the recommendation:

(a) Description of violations such as extent of violations of chapter 394, F.S., and this rule chapter, and the extent and seriousness of known injuries or injury including the severity and number of violations, severity and chronic violation of ~~elient~~ rights, and any pattern of inadequate supervision, injury or harm to individuals; and

(b) Mitigating circumstances including the responsiveness and extent of any actions taken by the facility to remediate, compensate, or correct the situation, as well as the facility's recent history of charitable public service to persons with psychiatric disabilities in the community, and compliance and responsiveness to any prior violations or complaints.

(2) Suspension of Designation. When the district or region determines, that it is more likely than not that a facility, or its related entities, has failed to consistently meet one or more of the standards for designation or maintenance of designation under this chapter, it may suspend designation pending corrective action plan implementation. During the suspension period, no persons on involuntary status patients may be admitted to the facility. No re-application for designation as a receiving facility is required for reinstatement of designation.

(3) Withdrawal of Designation.

(a) Designation may be withdrawn upon approval of the Secretary, or the Secretary's designee, when the district or region determines that it is more likely than not that any pattern of violations, or combination of violations, of chapter 394, F.S., and this rule chapter exists such as deficient admission, transfer or ~~patient~~ care practices, deficient observation or documentation of ~~patient~~ rights abuses, deficient discharge practices, deceptive or misleading practices in marketing, admission recruitment or referral practices; fraudulent clinical or billing practices; or patient brokering is evident. Examples of such offenses include violations by the facility, or parties acting on behalf of or in concert with the facility, or acting under its supervision, having engaged in deceptive, fraudulent, exploitative, abusive, or neglect type violations of Florida law, including Chapter 394, F.S., Chapter 415, F.S., Section 817.505, F.S., and Section 458.331, F.S.

(b) Upon re-application after withdrawal of designation, the department must have clear and convincing evidence that the problems with the facility, or its practitioners, leading to withdrawal of designation have been corrected and will not reoccur. This may include required internal and external monitoring to document continued satisfactory performance.

Specific Authority 394.461(4) FS. Law Implemented 394.455(26), 394.461, 395, 415, 458.331, 817.505 FS. History--New 11-29-98, Amended _____.

65E-5.400 Baker Act Funded Services Standards.

(1) Applicability. Designation as a public receiving facility is required for any facility licensed under the authority of Chapters 395, or 394, F.S., to be eligible for payment from Baker Act appropriations. Designation does not in and of itself represent any agreement to pay for any services rendered pursuant to Chapter 394, part I, F.S., or this chapter. Public receiving facilities, under contract with the department, serve as a local focal point for district or region public information dissemination and educational activities with other local Baker Act involved entities and public agencies.

(2) Baker Act Funding.

(a) Only public receiving facilities, pursuant to Section 394.455(25), F.S., and only the costs of eligible Baker Act services provided to diagnostically and financially eligible persons patients may be paid with Baker Act appropriations;

(b) Baker Act services shall first be provided to acutely ill persons who are most in need of mental health services and are least able to pay.

(c) Persons Patients receiving Baker Act funded services must meet financial eligibility criteria as established by the federal poverty guidelines. Public receiving facilities may provide Baker Act funded services to acutely ill persons who are financially ineligible if the total number of days of service paid for with Baker Act funds for financially ineligible persons does not exceed 20 percent of the total number of days paid for with Baker Act funds.

(d) An individual's diagnostic and financial eligibility shall be documented on mandatory form CF-MH 3084, Jan 05 98, "Baker Act Service Eligibility," which is incorporated by reference as if fully set out here and may be obtained pursuant to Rule 65E-5.120, F.A.C. ~~from the district mental health program office.~~

(3) This section applies to all Baker Act funded providers. All services including hospital inpatient facilities, crisis stabilization units, short-term residential treatment programs, and children's crisis stabilization units providing services purchased by the department under this chapter shall be consistent with licensure requirements and must comply with written facility policies and procedures.

(4) Training. The training required in Rule 65E-5.330, F.A.C., is required for all direct service staff employed by publicly funded Baker Act service providers.

(5) Emergency Reception and Screening.

(a) Providers authorized by the department shall have a policy and procedure manual for the specific service being provided. The administration of the provider organization shall ensure the completeness and accuracy of the manual and that organizational operations are in accordance with the manual. The manual must be approved by the respective departmental district or regional office for completeness and consistency in implementing this chapter and Chapter 394, part I, F.S. The manual shall be consistent with the provisions of chapter 394, part I, F.S., and with Chapter 65E-5, F.A.C., and must include the following:

1. Procedures for responding to requests for services that specify a prompt screening to determine the person's immediacy of need, and for prioritizing access to services with limited availability. Staff skills shall be specific to the unique needs of the persons ~~special populations~~ to be served;

2. A description of the services offered, recipient eligibility criteria, how eligible recipient facilities or individuals are informed of service availability, service locations, costs, criteria for response, hours of operation, staffing with staff qualifications and supervision, and organizational line of authority to the operating entity;

3. Procedures to be utilized to implement and document staff training in accord with Rule 65E-5.330, F.A.C., staff proficiency or competency including the performance of any subcontractors employed to provide services, and how training will be used to effect remediable identified deficiencies;

4. Procedures for a complaint and grievance system that provide a prompt response to the individuals served, and mechanisms to monitor and evaluate service quality, and the outcomes attained by individuals served. Facility personnel shall provide each person served with a listing of his or her ~~their~~ rights and a telephone number to which complaints may be directed;

5. Procedures to determine if the individual has a care ease manager from a mental health center or clinic, as well as notification and coordination of activities with the care ease manager;

6. Procedures to maintain a clinical record for each individual served and its safeguarding in accordance with Section 394.4615, F.S.; and

7. Procedures to inform the public of the availability of services.

(b) Procedures must assure that a psychiatrist or a physician, ~~as defined in Section 394.455, F.S.~~, shall be available on-call for consultation at all times and hours during which emergency reception and screening services are operated.

(6) Mobile Crisis Response Service and Mental Health Overlay Program Requirements.

(a) The criteria and operational requirements for a mobile crisis response service and a mental health overlay program is defined in Section 394.455(19), F.S., and Section 394.455(17), F.S., respectively. The operation of these services is expressly limited to the program's ~~their~~ contract with the department.

(b) Providers authorized by the department to provide mobile crisis response services and mental health overlay programs shall have a policy and procedure manual for the specific service being provided. The administration of the provider organization shall ensure the completeness and accuracy of the manual and that organizational operations are in accordance with the manual. The manual must be approved by the departmental district or regional office in which the facility is located. The manual shall be consistent with the provisions of Chapter 394, part I, F.S. and these rules, and shall include:

1. A description of the services offered, eligibility criteria, how eligible recipient facilities or individuals are informed of service availability, criteria for response, hours of operation, staffing with staff qualifications and supervision, and organizational line of authority to the operating entity;

2. Procedures to be utilized to implement the provisions of Section 394.4625, F.S., including staff training, proficiency or competency assessment instruments to be administered, credentialing, and distribution of results obtained;

3. A description of on-site evaluation, educational, assistance or supportive services, if provided, to be rendered by mental health overlay programs. The extent and frequency of services offered must be described. Staff skills shall be specific to unique needs of the persons ~~special populations~~ to be served;

4. Procedures for the provision of a complaint and grievance procedure to be used by individuals served, and mechanisms to monitor and evaluate the service's quality and the outcomes attained by individuals served. Personnel shall provide each person served with a listing of his or her ~~their~~ rights and a telephone number to which complaints may be directed;

5. Procedures that require the provider's issuance of, and employees wearing of identification badges including a photograph of the employee, organization's name, and employees name and identification number, if full name is not used, for all employees responding to, or working in, off-site situations;

6. Procedures that assure determination of whether the individual has a care case manager from a mental health center or clinic, and require notification and coordination of activities with the care case manager; and

7. Procedures that require the maintenance of a clinical record for each individual served and ~~its~~ safeguarding it in accordance with Section 394.4615, F.S.

(c) Procedures must require employees' clinical activities and performance, as opposed to primarily administrative functions, are supervised by one of the following: a psychiatrist, physician, clinical psychologist, clinical social worker, or psychiatric nurse, as defined in Section 394.455, F.S.

(d) Procedures must assure that a physician or psychiatrist; ~~as defined in Section 394.455, F.S.~~, shall be available on-call for consultation at all times and hours during which mental health overlay programs and mobile crisis response services are operated.

(e) Procedures must be consistent with Section 394.462, F.S. and these rules, and must limit transportation of an involuntary person by the mental health overlay program or mobile crisis response service to only directly transporting individuals to the nearest designated receiving facility. In addition, the following provisions shall be met and described in the manual:

1. Liability insurance of no less than \$100,000 per person shall be provided.
2. The vehicle shall be equipped with a Type 2A10BC fire extinguisher, seat belts, 2-way communication radio or cellular telephone with accompanying emergency telephone numbers, and a functioning air conditioner and heater.
3. Staff having the responsibility for transporting people shall be trained and experienced in transporting people with mental illness and substance abuse who may become confused, volatile, or combative.
4. At least two staff members shall be present to transport an individual. The total number of people in the vehicle at any time shall not exceed the legal seating capacity.
5. Firearms shall not be worn or carried in the vehicle.
6. Physical restraints, such as canvas cuffs, shall not be used except by personnel trained in their use, and only when necessary to protect the person being transported from injury to themselves or others. Any use of physical or mechanical restraints shall be fully and completely documented in the person's ~~patient's~~ clinical record.

7. The vehicle used to transport people shall be unmarked, maintained and operated in accordance with Chapter 316, F.S., and in a manner that protects the individual's rights, dignity and physical safety.

8. Procedures must require the immediate reporting of any unusual incidents or injuries, upon arrival at the intended destination.

(7) Requirements for Mental Health Overlay Programs in Nursing Homes, Assisted Living Facilities, Adult Day Care Centers, and Adult Family Care Homes.

(a) All plans, contracts and activities shall recognize that the primary responsibility for the care and treatment of individuals rests with the nursing home, assisted living facility, adult day care center, or adult family care home.

(b) Activities representative of those services appropriate to be provided by a mental health overlay program include:

1. Assisting in the development or implementation of individual care plans;
2. Assessing and making recommendations for needed physical or psychiatric services to the facility administrator; and
3. Providing training to facility staff or residents in various mental health skills or knowledge, such as anger management, psychotropic medications, depression, loss, physical and sexual trauma, and competency to consent determinations.

(c) Personnel shall provide each person served with a list of his or her ~~their~~ rights pursuant to Chapter 394, part I, F.S.

Specific Authority 394.457(3), 394.457(5)(c), 394.457(6)(a) FS. Law Implemented 316, 394.455(17),(19),(25), 394.463, 395 FS. History--New 11-29-98, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Minimum Standards for Mandatory Boating Safety Courses	68D-36
RULE TITLES:	RULE NOS.:
Minimum Requirements for Training Facilities and Instructors	68D-36.004
Minimum Requirements for Boating Safety Courses	68D-36.008
Proof of Successful Completion of the Course	68D-36.009
Boating Safety Information and Instruction Requirements for Vessel Liveries	68D-36.010
Boating Safety Temporary Certificate Examination Program	68D-36.011
PURPOSE AND EFFECT: The Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement, proposes to review and update Rule 68D-36, F.A.C., to conform the rule to statutory changes made to Sections 327.39, 327.395, 327.54 and 327.731, Florida	

Statutes. Changes under consideration include: updating the curriculum and conforming it to the current standards of the National Association of State Boating Law Administrators and current Florida and federal law; revising the portions of Rule 68D-36.008, F.A.C., that pertain to rented personal watercraft and other vessels and moving those requirements to a new rule section; revising the section on proof of successful completion of the course to eliminate obsolete requirements; and creating a new rule section to provide guidelines and procedures for administering the FWC's temporary certificate examination program. The intended effect is to make the rule consistent with current statutory requirements, to clarify the rule and make it easier to understand, and to codify temporary certificate examination program policies and procedures presently imposed by individual contacts.

SUBJECT AREA TO BE ADDRESSED: This rulemaking action will address boating safety education and instruction provided to persons 21 years of age or younger and to operators of rented personal watercraft and other rented vessels equipped with motors of 10 horsepower or greater. It will also address the boating safety information required to be displayed by vessel liveries. It will establish in rule the guidelines, policies, and procedures for the boating safety education temporary certificate examination program.

SPECIFIC AUTHORITY: 327.04, 327.39, 327.395, 327.54, 327.731 FS.

LAW IMPLEMENTED: 327.39, 327.395, 327.54, 327.731 FS.

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

TIME AND DATE: 6:00 p.m. – 8:00 p.m., September 8, 2004

PLACE: Broward Community College, Criminal Justice Institute, Central Campus, 3501 Davie Road, Building 22, Room 155, Davie, FL 33314

TIME AND DATE: 6:00 p.m. – 8:00 p.m., September 9, 2004

PLACE: Pinellas County Courthouse, 315 Court Street, Board of County Commissioners Assembly Room, 5th Floor, Clearwater, FL 33756

TIME AND DATE: 6:00 p.m. – 8:00 p.m., September 20, 2004

PLACE: Edgewater Beach Resort, Conference Center, 520 Beckrich Road, Panama City Beach, FL 32407

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Captain Alan Richard, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Policies and Endorsements Covering Employees Engaged in Work in Florida **RULE NO.:** 69L-6.019

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment to Rule 69L-6.019, F.A.C., is to describe activities that constitute "engaged in work" in this state by employees of a construction industry employer headquartered outside this state. Sections 440.10(1)(g) and 440.38(7), Florida Statutes, were amended to require employers headquartered outside this state who have employees "engaged in work" in this state to obtain a Florida workers' compensation policy or an endorsement utilizing Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, Florida Statutes, and the Florida Insurance Code.

SUBJECT AREA TO BE ADDRESSED: Activities that constitute "engaged in work" in this state by employees of construction industry employers headquartered outside this state.

SPECIFIC AUTHORITY: 440.10(1)(g), 440.591 FS.

LAW IMPLEMENTED: 440.10(1)(g), 440.38(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: 9:30 a.m., September 9, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.019 Policies and Endorsements Covering Employees Engaged in Work in Florida.

(1) through (5) No change.

(6) An employee of a construction industry employer headquartered outside the state of Florida is "engaged in work" in Florida if he or she participates in any one of the following activities in the state of Florida:

(a) The employee engages in new construction, alterations, or any job or any construction activities involving any form of the building, clearing, filling, excavation or improvement in the size or use of any structure or the appearance of any land as defined in Section 440.02(8), F.S., or performs any job duties or activities which would be subject to those contracting classifications identified in the Contracting Classification Premium Adjustment Program contained in the Florida State Special pages of the Basic Manual (as incorporated in Rule 69L-6.021) within the borders of the state of Florida, regardless of whether an employee returns to his or her home state each night, or

(b) If the employer maintains a permanent staff of employees or superintendents and the staff employee or superintendent assigned to construction activities in Florida for the duration of the job or any portion thereof, or

(c) If the employer hires employees in Florida for the specific purpose of completing all or any portion of construction contract work and related construction activities in the state of Florida.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.10(1)(g), 440.38(7) FS. History--New 6-19-04, Amended _____.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation	3D-40.205
Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation	3D-40.225

PURPOSE AND EFFECT: The amendments to the rules revise and update the renewal forms to provide for certification upon license renewal that the continuing education requirements have been met. The amendments also update mailing addresses.

SUMMARY: The amendments to the rules amend the forms to provide for certification upon license renewal that the continuing education requirements have been met. The amendments also update mailing addresses.

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: 494.0011(2), 494.0064(2) FS.

LAW IMPLEMENTED: 494.0011(2), 494.0064 FS.

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

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

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399

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 RULES IS: Greg Oaks, Office of Financial Regulation, Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation.

(1)(a) Each active mortgage lender license and mortgage lender license pursuant to the saving clause shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form. Form ~~OFRDBF~~-ML-R, Mortgage Lender License Renewal and Reactivation Form, revised 06/00, and Form ~~OFRDBF~~-ML-RS, Mortgage Lender License Pursuant to Saving Clause Renewal and Reactivation Form, revised ~~7/1/2004~~ ~~06/00~~, are hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of:

1. \$25,000 or more imposed by Section 494.0065, F.S.; or
2. \$250,000 or more imposed by Section 494.0061, F.S.

Upon request of the Department, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) No change.

(3) Each active mortgage lender branch office license shall be renewed in conjunction with the mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed branch office license renewal form. Form ~~OFRDBF~~-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 7/1/2004

~~10-1-99~~, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(4) through (6) No change.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History--New 10-1-91, Amended 9-3-95, 8-5-96, 12-12-99, 11-1-00, 2-5-01, _____.

3D-40.225 Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation.

(1)(a) Each active correspondent mortgage lender license shall be renewed for the biennial period beginning September 1 of each even numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form. Form ~~OFRDBF-CL-R~~, Correspondent Mortgage Lender License Renewal and Reactivation Form, revised 7/1/2004 ~~06/00~~, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of \$25,000 or more imposed by Section 494.0062, F.S. Upon request of the Department, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) No change.

(3) Each active correspondent mortgage lender branch office license shall be renewed in conjunction with the correspondent mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed branch office license renewal form. Form ~~OFRDBF-ML-RB~~, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 7/1/2004 ~~10/99~~, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(4) through (6) No change.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History--New 10-1-91, Amended 9-3-95, 7-25-96, 12-12-99, 11-1-00, 2-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Epting, Bureau Chief, Regulatory Review, Office of Financial Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Office of Financial Regulation

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICEES

Division of Agricultural Environmental Services

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

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

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

PURPOSE, EFFECT AND SUMMARY: 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. Rule 5E-4.0041, F.A.C., will be added to provide specific guidance regarding reprocessing or disposal of noxious seed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SOERC has been prepared.

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

SPECIFIC AUTHORITY: 578.11(2) FS.

LAW IMPLEMENTED: 578.11(2) FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDNG THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES IS:

5E-4.003 Noxious Weed Seed.

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

(d) Tropical soda apple
(Solanum viarum) None per pound

(e) Benghal dayflower (Commelina
benghalensis) None per pound

(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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Dubberly, Chief, and Bureau of Compliance Monitoring
NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Steven J. Rutz, Director, Division of Agricultural Environmental Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Standards for Mid-Year Promotion of Retained Third Graders
RULE NO.: 6A-1.094222

PURPOSE AND EFFECT: The purpose of this new rule is to implement the requirements of Section 1008.25(7)(b)4., Florida Statutes, as amended by the 2004 Legislature in CS/SB 364. The rule will set forth the requirements relating to the mid-year promotion of students who were retained in third grade due to a reading deficiency. The effect will be a rule that will apply to students who previously were retained in third grade but have progressed sufficiently to be promoted to fourth grade.

SUMMARY: The rule provides the standards that must be met for a retained third grader to be promoted mid-year to fourth grade. These standards include demonstration that the student is a successful and independent reader as demonstrated by reading at or above grade level and that he or she has progressed sufficiently to master appropriate fourth grade reading skills. The standards can be met through the successful completion of a student portfolio or satisfactory performance on a locally selected standardized assessment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1008.25(7)(b)4. FS.

LAW IMPLEMENTED: 1008.25(7)(b)4. FS.

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

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

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, K-12 Deputy Chancellor for Student Achievement, Florida Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)245-5020

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.094222 Standards for Mid-Year Promotion of Retained Third Graders.

Effective with the 2004-2005 school year, district school boards are required to adopt and implement a policy for the mid-year promotion of any student retained in third grade, as required by Section 1008.25(5)(b), Florida Statutes, due to a reading deficiency. Such mid-year promotions of retained third grade students should occur during the first semester of the academic year.

(1) To be eligible for mid-year promotion, a student must demonstrate that he or she:

(a) Is a successful and independent reader as demonstrated by reading at or above grade level;

(b) Has progressed sufficiently to master appropriate fourth grade reading skills; and

(c) Has met any additional requirements, such as satisfactory achievement in other curriculum areas, as determined by the policies of the district school board.

(2) Standards that provide a reasonable expectation that the student has met the requirements of subparagraphs (1)(a)-(b) of this rule are as follows:

(a) Successful completion of portfolio elements that meet state criteria in subsection (3) of this rule; or

(b) Satisfactory performance on a locally selected standardized assessment as specified in subsection (4) of this rule.

(3) To promote a student mid-year using a student portfolio, as provided for in paragraph (2)(a) of this rule, there must be evidence of the student's mastery of third grade Sunshine State Standard Benchmarks for Language Arts and beginning mastery of the Benchmarks for fourth grade. The student portfolio must meet the following requirements:

(a) Be selected by the student's teacher;

(b) Be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom;

(c) Include evidence of mastery of the benchmarks assessed by the grade 3 Reading FCAT, as required by Rule 6A-1.094221, FAC.; and

(d) Include evidence of beginning mastery of fourth grade benchmarks that are assessed by the grade 4 Reading FCAT. This includes multiple choice, short response, and extended response items and passages that are approximately fifty (50) percent literary text and fifty (50) percent information text, and that are between 100-900 words with an average of 375 words. Such evidence could include chapter or unit tests from the district's/school's adopted core reading curriculum or teacher-prepared assessments that are aligned with the Sunshine State Standards. For each benchmark, there must be two examples of mastery as demonstrated by a grade of "C" or better.

(e) Be signed by the teacher and the principal as an accurate assessment of the required reading skills.

(4) To promote a student mid-year using a locally selected standardized assessment, as provided for in paragraph (2)(b) of this rule, there must be evidence that the student scored at or above grade level in reading comprehension, as demonstrated by standard scores or percentiles.

(5) The Academic Improvement Plan (AIP) for any retained third grade student who has been promoted mid-year to fourth grade must continue to be implemented for the entire academic year.

Specific Authority 1008.25(7)(b)4. FS. Law Implemented 1008.25(7)(b)4. FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shan Goff, K-12 Deputy Chancellor for Student Achievement,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jim Warford, K-12 Chancellor,
Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 30, 2004

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Administration of the Board
RULE NO.: 6E-3.002

PURPOSE AND EFFECT: The rule is being repealed because it is no longer necessary.

SUMMARY: The rule is being repealed.

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: 120.53(1)(a), 246.041(1)(d),(e), 246.051(1), 246.071 FS.

LAW IMPLEMENTED: 20.05(1)(b), 120.53(1)(b), 246.031, 246.041(1)(d),(n), 246.051 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-3.002 Administration of the Board.

Specific Authority 120.53(1)(a), 246.041(1)(d),(e), 246.051(1), 246.071 FS. Law Implemented 20.05(1)(b), 120.53(1)(b), 246.031, 246.041(1)(d),(n), 246.051 FS. History--New 10-13-83, Formerly 6E-3.02, Amended 11-27-88, 10-19-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 28, 2003

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Building Energy Rating System	9B-60
RULE TITLES:	RULE NOS.:
Definitions	9B-60.002
Department Activities	9B-60.003
Florida Building Energy Rating System, Adopted	9B-60.004
Training and Certification Program	9B-60.005
Guidelines for Uniformity, Adopted	9B-60.008

PURPOSE, EFFECT AND SUMMARY: Section 553.992, Part XI, F.S., requires the Department of Community Affairs (the Department) to update the Building Energy-Efficiency Rating System in accordance with the procedures of Chapter 120, F.S. Further, Section 553.995(1)(c), F.S., requires that the energy rating system be compatible with standard federal rating systems and state building codes, where applicable. The purposes of these rule changes are to 1) adopt by reference the Mortgage Industry National Home Energy Rating Systems Accreditation Standards, promulgated by the National Association of State Energy Officials (NASEO)/Residential Energy Services Network (RESNET), June 15, 2002, 2) amend the rating system calculation procedures so that they are consistent with the revisions to Chapter 13 of the Florida Building Code, Building, and Attachment 1 of the Mortgage Industry National Home Energy Rating Systems Accreditation Standards, the National Home Energy Rating Technical Guidelines, 3) to require written disclosure of financial or other conflict of interest in accordance with Section 4.C.6 of the National Accreditation Procedures for Home Energy Rating Systems, 4) to expand recertification requirements for residential raters to require satisfactory demonstration of the skills necessary to perform a Class 1 rating and attend a refresher course if a rater fails to pass the recertification test in his/her rating classification, 5) to require a written report be provided to the client for every rating performed, 6) to remove the Department from software development and maintenance and add the Florida Solar Energy Center and its address to the written report, 7) to require Class 1 duct testing to be performed in accordance with the new standard BSR/ASHRAE 152-04, and 8) to have the Florida Solar Energy Center develop and maintain a database of BERS ratings.

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: 553.992, 553.994, 553.998 FS.

LAW IMPLEMENTED: 553.992, 553.995, 553.995(1),(1)(c),(4), 553.996 FS.

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

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

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ann Stanton, Building Codes Analyst, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0964, Suncom 278-0964

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-60.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit such meaning, shall have the meanings indicated:

(1) through (19) No change.

(20) HERS Rating – An audit and computer-generated performance evaluation of a home conducted in accordance with Rule 9B-60.004, F.A.C., of this Chapter and resulting in a HERS Score.

(21) HERS Score – The numerical rating for a home with a value between 0 and 100 where a value of 100 indicates that the home uses no purchased energy for heating, cooling and hot water and a value of 80 indicates that the home has the same energy use for heating, cooling and hot water as the reference home established by the Mortgage Industry National Home Energy Rating Systems Accreditation Standards.

Specific Authority 553.92 FS. Law Implemented 553.992, 553.995 FS. History–New 7-1-94, Amended 1-11-95, 12-27-98, _____.

9B-60.003 Department Activities.

(1) No change.

(2) Within three (3) years of the date of adoption of the rating system, and at least triennially thereafter in conjunction with the triennial review of Chapter 13 of the Florida Building Energy Efficiency Code, Building For Construction (the Code), the Department shall review the energy rating system

program criteria and the calculation tools used in common by both the BERS and the Code that are adopted herein to determine the need for revision or modification. The residential rating system methodology is based on Method A of Sub-Chapter 6 of Chapter 13 of the Code, while the commercial rating system methodology is based on Method A of Sub-Chapter 4 of the Code. At a minimum, the Department shall update the rating system by adopting modifications to the current editions of the Code and Attachment 1 to the Mortgage Industry National Home Energy Rating Systems Accreditation Standards (the National Home Energy Rating Technical System (HERS) Guidelines) promulgated by the National Association of State Energy Officials. Copies of the Code and the National Home Energy Rating Technical HERS Guidelines are available from the Florida Department of Community Affairs, Building Codes and Standards Office, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

(3) through (4) No change.

Specific Authority 553.992, 553.998 FS. Law Implemented 533.992, 553.996 FS. History—New 7-1-94, Amended 12-27-98, _____.

9B-60.004 Florida Building Energy Rating System, Adopted.

(1) No change.

(2) The home energy rating (HERS rating) for new residential buildings (Class 3) shall be determined using only the Florida Residential Building Energy Rating System software (Energy Gauge/ResFREE, Version 3 2) ~~developed and maintained by the Department~~, which produces the Florida Building Energy Rating Guide forms: Form #11A-01 97 for the North climate zone, Form #11B-01 97 for the Central climate zone, and Form #11C-01 97 for the South climate. The rating system software (Energy Gauge/ResFREE, Version 3 2) that produces these forms is hereby incorporated by reference. Air distribution system testing for Class 1 ratings shall be performed in accordance with Annex B and Annex C of BSR/ASHRAE Standard 152-04, “Method of Test for Determining the Design and Seasonal Efficiency of Residential Thermal Distribution Systems.” A Class 3 rating shall be clearly labeled as a “projected rating based on plans”.

~~(3) The energy rating for existing residential buildings shall be determined using the Florida Residential Building Energy Rating System software (EnergyGauge/ResFREE, Version 2) which produces the Florida Building Energy Rating Guide forms listed in 9B-60.004(2). The Florida Residential Building Energy Rating System software (EnergyGauge/ResFREE, Version 2) is hereby incorporated by reference.~~

~~(3)(4) No change.~~

~~(4)(5) The energy rating for new public and new commercial buildings shall be determined using only the Florida Commercial Building Energy Rating System software (EnergyGauge/ ComFREE 97, Version 1 2-2) developed and~~

~~maintained by the Department~~ which produces the Florida Building Energy Rating Guide forms: Form #12A-01 97 for the North climate zone, Form #12B-01 97 for the Central climate zone and Form #12C-01 97 for the South climate zone. The Florida Commercial Building Energy Rating System software (EnergyGauge/ComFREE 97, Version 1 2-2) is hereby incorporated by reference. Public buildings owned or leased by state agencies and units of local government that are governed by Section 255.254, F.S., may utilize this rating system as one of the annual energy usage and cost methods approved by those agencies.

~~(6) The energy rating for existing commercial buildings shall be determined using only the Florida Commercial Building Energy Rating software (EnergyGauge/ComFree 97, Version 2.2) developed and maintained by the Department which produces the Florida Commercial Building Energy Rating Guide forms listed in 9B-60.004 (5), F.A.C. The Florida Commercial Building Energy Rating System software (EnergyGauge/ComFREE 97, Version 2.2) is hereby incorporated by reference.~~

(7) No change.

Specific Authority 553.992 FS. Law Implemented 553.994, 553.995(1) FS. History—New 7-1-94, Amended 10-3-94, 1-11-95, 12-27-98, _____.

9B-60.005 Training and Certification Program.

(1) General Provisions.

(a) Beginning with the implementation date of this rule, no person may provide a rating for buildings in Florida unless such a person has been certified as provided by this part. To perform a rating for any building as required by this rule, the person performing the rating must be certified by the Department of Community Affairs. In accordance with Chapter 1, Section 4.C.6 of the “National Accreditation Procedures for Home Energy Rating Systems,” a Florida Certified Rater who has a financial or other interest resulting from the energy Rating results (including any recommended improvements resulting from the Rating) shall provide written disclosure of the nature of the financial or other interest to the owner of the property being rated utilizing Form 11D-01, Interest Disclosure Form.

(b) No change.

(c) An application for annual certification renewal shall be submitted on Form 500B-01 98, herein incorporated by reference, with a renewal fee of \$50. In addition to the annual renewal fee, a certified residential rater must, over a three year period, have completed twelve credit hours of continuing education in courses accepted by the Department for certification renewal. Acceptable courses shall, in general, be those dealing with energy use in buildings or building systems (including heating, ventilating and air conditioning), building design or construction, codes or plan review, financing or selling buildings, and courses on energy rating systems.

(2) The following qualifications, at a minimum, are required for certification as a rater:

(a) The individual shall submit an application on the Department of Community Affairs Form #500A-01 98, herein incorporated by reference, and pay the appropriate application fee of \$150.00. The form is available by writing to the Department of Community Affairs, Energy Rating System Program, 2555 Shumard Oak Blvd, Tallahassee, Florida 32399-2100.

(b) through (d) No change.

(e) Recertification is required within six months of the effective date of major revisions to Chapter 13 of the Florida Building Energy Efficiency Code, For Building Construction or at least every three years from the rater's last date of certification. For recertification, the applicant shall attend training on changes impacting the rating system provided by the Department of Community Affairs and demonstrate achievement of a level of knowledge and proficiency so as to successfully rate buildings by passing a Department test applicable to the buildings being rated. The fee for recertification shall be the annual certification renewal fee. In addition to the written test, Class 1 residential raters shall be required to satisfactorily demonstrate performance testing skills necessary to perform a Class 1 rating as part of the recertification as well as at the time of training and testing. Class 1 residential raters shall be required to satisfactorily perform and complete one Class 1 rating, accompanied and evaluated by another randomly chosen Class 1 rater, as a requirement for recertification and to comply with Attachment 1 of the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems (the National Home Energy Rating Technical HERS Guidelines); requirement for periodic peer review and reevaluation of raters. Class 1 raters shall also be required to serve as a Class 1 peer evaluator at least once within three years before being recertified. These regulations in no way exempt any person from other state and local occupational licensure requirements. Any rater who fails to pass the recertification test in his or her rating classification shall be required to attend a refresher course approved by the Department of Community Affairs and retake the test. Until the rater can demonstrate his/her ability to perform ratings in his/her classification, registration of ratings by the rater shall be prohibited.

(3) Reporting Requirements. Certified raters shall submit all ratings to the Department in care of the Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, FL 32920 in electronic format, either via electronic mail (e-Mail) or on 3 1/2 4/3" diskette.

(a) The Florida Solar Energy Center shall maintain an electronic database that can be queried by the public to verify that a BERS Rating has been registered for a specific real property.

(b) Upon request and if authorized by the homeowner or his/her agent, the Florida Solar Energy Center may provide a registered BERS Rating report from the electronic database to a homeowner, or prospective home purchaser, for a fee.

(4) A written report shall be provided to the purchaser of real property or that individual who requested the rating. Such report shall include the Florida Building Energy Rating report and the following provided to the client shall include:

(a) A completed copy of the Florida Building Energy Rating Guide (Form #11-01 97 or Form #12-01 97); containing the following:

(b)(a) The certified rater's signature, typed or printed name and certification number;

(c)(b) The date that the rating was completed; and

(d)(e) The statement: "This notice is provided to you by an individual certified by the Florida Department of Community Affairs to perform a building energy rating evaluation. Any questions, comments, or complaints regarding the person or agency performing this service may be directed to the Florida Department of Community Affairs, Building Energy Rating System Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, or the Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, FL 32920. The Department or the Florida Solar Energy Center may request the owner's permission in the future to conduct a quality assurance review of this rating;" and

(e) The disclosure form printed from the Energy Gauge Res/Free program (Form No. 11D-01).

Specific Authority 553.992 FS. Law Implemented 553.995(4) FS. History--New 7-1-94, Amended 10-3-94, 1-11-95, 12-27-98, _____.

9B-60.008 Guidelines for Uniformity, Adopted.

The Mortgage Industry National Home Energy Rating Systems Accreditation Standards, promulgated by the National Association of State Energy Officials (NASEO)/Residential Energy Services Network (RESNET), June 15, 2002, 1996 Guidelines for Uniformity, Voluntary Procedures for Home Energy Ratings, Version 2.0, prepared by the Home Energy Rating Systems (HERS) Council and the Florida Addendum to the National HERS Council Guidelines, dated December 1998, are adopted and incorporated by reference as the rule of this Department.

Specific Authority 553.992 FS. Law Implemented 553.995(1)(c) FS. History--New 12-27-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ann Stanton, Building Codes Analyst, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0964, Suncom 278-0964

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Prompt Settlement or Legal Defense of Claims and Disqualification for Failure to Settle Claims
RULE CHAPTER NO.: 14-24

RULE TITLE: Provisions for Prompt Settlement or Legal Defense of Claims and Disqualification for Failure to Settle Claims
RULE NO.: 14-24.001

PURPOSE AND EFFECT: This amendment is to update the revision date for Form 700-050-21, Contractor’s Affidavit and Surety Consent (Form 21-A), which is incorporated by reference in Rule 14-79.006, F.A.C., and cross referenced in this rule. Rule 14-79.006, F.A.C., also is being amended by separate notice to incorporate the revised form by reference.

SUMMARY: This is an editorial amendment to update the revision date for Form 700-050-21, Contractor’s Affidavit and Surety Consent (Form 21-A), which is cross referenced within this rule and incorporated by reference under Rule 14-79.006, F.A.C.

SPECIFIC AUTHORITY: 334.044(2), 337.18(1) FS.

LAW IMPLEMENTED: 334.044(28), 337.141, 337.18(1) FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-24.001 Provisions for Prompt Settlement or Legal Defense of Claims and Disqualification for Failure to Settle Claims.

Any surety which does not settle or provide defense for claims or actions in connection with liabilities arising under a contract promptly and satisfactorily shall be disqualified from issuing bonds for future contracts by the Department in accordance with this rule.

(1) Failure on the part of the surety to furnish an affidavit to the effect that these requirements have been met on Contractor’s Affidavit and Surety Consent (Form 21-A), Florida Department of Transportation Form 700-050-21, Rev. ~~08/04~~ ~~10/99~~, which is incorporated by reference under Rule 14-79.006, F.A.C., to the Department within 90 days of the Department’s offer of final payment shall constitute grounds for disqualification. Preliminary notice of disqualification will be furnished to the surety 30 days prior to disqualification. Qualification will be reinstated upon receipt by the Department of the properly executed Form Contractor’s Affidavit and Surety Consent (Form 21-A).

(2) No change.

Specific Authority 334.044(2), 337.18(1) FS. Law Implemented 334.044(28), 337.141, 337.18(1) FS. History—Formerly 14-10.01, F.A.C., Amended 3-21-64, 9-24-75, Formerly 14-24.01, Amended 10-30-96, 1-17-99, 3-28-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Anath Prasad, Director, State Construction Office
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Construction Management Development Program and Bond Guarantee Program
RULE CHAPTER NO.: 14-79

RULE TITLE: Construction Management Development Program
RULE NO.: 14-79.006

PURPOSE AND EFFECT: This amendment is to incorporate by reference a revised version of Form 700-050-21, Contractor’s Affidavit and Surety Consent (Form 21-A). A cross reference to this form in Rule 14-24.001, F.A.C., is being amended by separate notice.

SUMMARY: This amendment is to incorporate by reference a revised version of Form 700-050-21, Contractor’s Affidavit and Surety Consent (Form 21-A).

SPECIFIC AUTHORITY: 334.044(2), 337.18(1) FS.

LAW IMPLEMENTED: 334.044(28), 337.141, 337.18(1) FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-79.006 Construction Management Development Program.

This rule implements a voluntary comprehensive Construction Management Development Program (CMDP) for Disadvantaged Business Enterprises and other small businesses and establishes a program for providing financial assistance to Disadvantaged Business Enterprises through a Bond Guarantee Program (BGP).

- (1) through (9) No change.
- (10) Bond Guarantee Program.
 - (a) Department Requirements/Limitations.
 - 1. No change.

2. As a condition of receiving a bond guarantee on a Department contract, the Department shall retain five percent of the total contract amount designated for the Disadvantaged Business Enterprise. This bond guarantee retainage shall be released upon final acceptance of the project and receipt of a Contractor's Affidavit and Surety Consent (Form 21-A), Florida Department of Transportation Form 700-050-21, Rev. 08/04 ~~10/99~~, showing all subcontractors and suppliers have been paid.

- (b) through (13) No change.

(14) Forms. The following listed forms are hereby incorporated by reference and made a part of the rules of the Department:

Form Number	Form Title	Revision Date
275-030-070-a	Application for Construction Management Development Program (CMDP) and Bond Guarantee Program (BGP)	03/89
275-030-071-a	Application for Small Business Certification (SBC)	03/89
275-030-073-a	Technical Assistance Request	03/89
275-030-074-a	Justification for Bond Guarantee	03/89
700-050-21	Contractor's Affidavit and Surety Consent (Form 21-A)	<u>08/04</u> 10/99

Copies of these forms are to be obtained from the Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, Mail Station 65, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 339.0805(1)(b) FS. Law Implemented 334.044(28), 337.141, 339.0805(2) FS. History--New 5-24-89, Amended 8-5-96, 10-30-96, 5-6-97, 1-17-99, 3-17-00, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2004

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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.

SUMMARY: The proposed rule provides 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.

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:

33-601.211 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

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: July 23, 2004

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 rules is to delete unnecessary and obsolete language, correct staff and office titles, and clarify responsibilities and inmate privileges.

SUMMARY: The proposed rules delete unnecessary and obsolete language, correct staff and office titles, and clarify responsibilities and inmate privileges related to the basic training program.

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, 958.04, 958.045, 958.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 946.40, 958.04, 958.045, 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:

33-601.233 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) ~~(f)~~ 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 of 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. 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,_____.

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: July 23, 2004

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 is to update the existing rules and 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. The effect will be to put the public on notice of these new rule provisions and requirements of Chapter 399, Florida Statutes, and to implement the statutory requirements of this program.

SUMMARY: 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.

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

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

SPECIFIC AUTHORITY: 399.1061 FS.

LAW IMPLEMENTED: 399.10, 399.1061 FS.

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

TIME AND DATE: 2:00 p.m. – 3:00 p.m. (EST), September 10, 2004

PLACE: The Secretary’s Conference Room, Room #259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 business hours before the hearing by contacting: Lee M. Cornman, Operations Review Specialist, (850)488-1133. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: General Counsel, Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004, Vol. 30, No. 30

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.

SUMMARY: The rule sets forth the criteria to qualify for special inspector of threshold buildings.

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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033 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 IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul J. Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (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, _____.

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 16, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions 64B2-13.005

RULE NO.:

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

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) 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., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.005 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) FS. Law Implemented 456.024(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: General Description of Department Organization and Operations

RULE NO.:

64B6-1.001

PURPOSE AND EFFECT: To repeal an obsolete rule.

SUMMARY: The Board determined to repeal this rule as it is no longer necessary.

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

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

SPECIFIC AUTHORITY: 120.53(1) FS.

LAW IMPLEMENTED: 120.53(1), 456.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-1.001 General Description of Department Organization and Operations.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 456.009 FS. History--New 1-10-84, Formerly 21JJ-1.01, 22JJ-1.001, 21JJ-1.015, 61G9-1.015, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLES: Examination and Re-examination Fees

RULE NOS.:

64B6-4.002

Examination Review Fee 64B6-4.006

PURPOSE AND EFFECT: To repeal obsolete rules.

SUMMARY: The Board determined to repeal these rules as they are no longer necessary.

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

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

SPECIFIC AUTHORITY: 456.017, 484.044, 484.0447(2),(3) FS.

LAW IMPLEMENTED: 456.017, 484.0447(2),(3), 484.045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B6-4.002 Examination and Re-examination Fees.

Specific Authority 484.044, 484.0447(2),(3) FS. Law Implemented 456.017, 484.0447(2),(3), 484.045 FS. History--New 3-29-84, Formerly 21JJ-5.04, 21JJ-5.004, Amended 1-19-87, 12-25-88, Formerly 21JJ-4.003, Amended 6-26-95, Formerly 61G9-4.003, Repealed.

64B6-4.006 Examination Review Fee.

Specific Authority 456.017, 484.044 FS. Law Implemented 456.017 FS. History--New 11-12-89, Formerly 21JJ-4.013, 61G9-4.013, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: RULE NOS.:

Exemptions for Members of the Armed Forces; Spouses 64B16-26.104

Continuing Education Records Requirements 64B16-26.603

PURPOSE AND EFFECT: The Board proposes the amendments to implement Section 456.024, Florida Statutes; and, to update continuing education requirements.

SUMMARY: The first proposed amendment exempts licensees from license renewal requirements while members of or spouses of members of the Armed Forces of the United States. The second proposed amendment addresses continuing education documentation.

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

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

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 456.024, 465.009 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.104 Exemptions for Members of the Armed Forces; Spouses.

(1) Any licensed pharmacist on active duty with the Armed Forces of the United States who at the time of becoming such a member was in good standing with the Board and was entitled to practice the profession of pharmacy in Florida shall be exempt from all license renewal provisions obtaining a biennial license renewal and paying the fees required hereunder so long as the licensee he is on active duty with the Armed Forces and for a period of six months after discharge so long as the licensee he is not engaged in the practice of pharmacy in the private sector for profit.

(2) A licensee who is a spouse of a member of the Armed Forces of the United States and who was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces and who at the time of the absence was in good standing with the Board and entitled to practice as a pharmacist in Florida shall be exempt from all license renewal provisions.

Specific Authority 465.005 FS. Law Implemented 456.024 FS. History--New 3-19-79, Amended 4-30-85, Formerly 21S-6.09, 21S-6.009, Amended 7-31-91, Formerly 21S-26.104, 61F10-26.104, 59X-26.104, Amended.

64B16-26.603 ~~Reporting~~ Continuing Education Records Requirements.

~~Each registered pharmacist shall at the time of the biennial license renewal, report programs of continuing professional education compliance during the applicable renewal period. Each registered pharmacist shall retain documentation of participation in such continuing education programs required for license renewal for not less than two years after the license is renewed each biennial license renewal for audit purposes if and when such audit is undertaken by the Department of Health and the Board of Pharmacy. Such documentation shall~~

consist of statements of credit slips for lecture attendance, certification forms from instructors, or course completion slips from correspondence courses.

Specific Authority 465.005 FS. Law Implemented 465.009 FS. History--New 10-17-79, Formerly 21S-13.04, Amended 5-10-89, Formerly 21S-13.004, 21S-26.603, 61F10-26.603, 59X-26.603, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: RULE NOS.:
Licensure by Examination; Foreign 64B16-26.2031
Pharmacy Graduates

Licensure by Endorsement 64B16-26.204

PURPOSE AND EFFECT: The Board proposes the new rule and rule amendments to update and to consolidate the requirements for licensure application into Chapter 64B-26, F.A.C.

SUMMARY: The new rule establishes the licensure requirements for foreign graduate applicants. The amended rule updates licensure requirements for application by endorsement.

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: 456.033, 465.005, 465.07 FS., Chapter 2001-166, Laws of Florida.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS., Chapter 2001-166, Laws of Florida.

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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates.
In order for a foreign pharmacy graduate to be admitted to the professional licensure examination, the applicant must:

(1) Be a graduate of a four year undergraduate pharmacy program at a school or college outside the United States.

(2) Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission.

(3) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL) which is given by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version.

(4) Demonstrate proficiency in the use of spoken English by passing the Test of Spoken English (TSE) with a score of at least 200 or an equivalent score of 45 on the recalibrated TSE.

(5) Complete a minimum of 500 hours of supervised work activity within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. Further, no program of work activity will be approved for any applicant until said applicant has successfully completed the examination as set forth in subsections (2) and (3) above.

Specific Authority 465.005, 465.007 FS. Law Implemented 465.007 FS. History--New _____.

~~64B16-26.204 Licensure by Manner of Application--Endorsement.~~

~~All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in subsection 64B16-26.103(3), F.A.C. All applicants for licensure shall complete a course on medication errors prior to licensure. The course shall be no less than 2 contact hours and shall cover the subjects listed in subsection 64B16-26.103(4), F.A.C.~~

~~(1) An applicant for licensure by endorsement Applicants must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education. Applicants qualifying under the education requirements of Section 465.007(1)(b)2., F.S. (foreign graduates), must complete the requirements of Rule 64B16-26.205, F.A.C., prior to the certification for the examination required in subsection (6) of this rule.~~

~~(1)(2) All applications for licensure by endorsement shall be made on board approved form DOH/MQA/PH100 (10-15-01). The instructions and application form, entitled Florida Pharmacist Endorsement Application, which is hereby incorporated by reference, effective 11-8-01, shall be accompanied with a non-refundable endorsement application fee and of \$100, the initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C. of \$190, and \$5.00 unlicensed activity fee.~~

~~(2) The applicant must submit satisfactory proof that one of the following requirements has been met:~~

(a) Two (2) years of active practice, as defined in Section 465.0075(1)(c), Florida Statutes, within the immediately preceding five (5) years. If the applicant meets the requirements of this section, proof of completion of 30 hours of approved continuing education obtained in the two years immediately preceding application, must also be submitted.

(b) Successful completion of a board-approved postgraduate training program within the immediately preceding year.

(c) Successful completion of a board-approved clinical competency examination within the immediately preceding year.

(d) Successful completion of an internship meeting the requirements of Section 465.0075(1)(c), Florida Statutes, within the immediately preceding two (2) years.

(3) The applicant must submit satisfactory proof of completion of the following:

(a) A Board approved course of no less than three (3) contact hours on HIV/AIDS covering the subjects set forth in Rule 64B16-26.602, F.A.C. The course shall be completed no earlier than 12 months prior to application.

(b) A course of no less than two (2) hours on medication errors covering the subjects set forth in Rule 64B16-26.602, F.A.C. The course shall be completed no earlier than 12 months prior to application.

(4) Applicants qualifying under the education requirements of Section 465.007(1)(b)2., Florida Statutes, (foreign graduates), must complete the requirements of Rule 64B16-26.205, F.A.C., prior to certification for the examination required in subsection (6) of this rule.

(5)(3) All requirements for licensure by endorsement must be met within one (1) year of the receipt of the application. Applicants failing to meet this requirement must reapply.

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

(8)(6) Applicants deemed qualified for licensure by endorsement as provided in Section 465.0075, F.S., shall be required to complete the Multistate Pharmacy Jurisprudence Examination – Florida Version, examination described in paragraph 64B16-26.200(1)(b), F.A.C. Passing scores on this examination may be used upon reapplication only if the examination was completed within three (3) years of the reapplication.

(7) Applicants shall submit satisfactory proof that one of the following requirements has been met:

(a) Two years of active practice, as defined in Section 465.0075(1)(c), F.S., within the immediately preceding 5 years.

(b) Successful completion of a board-approved postgraduate training program within the immediately preceding year.

~~(e) Successful completion of a board-approved clinical competency examination within the immediately preceding year.~~

~~(d) Successful completion of an internship meeting the requirements of Section 465.0075(1)(c), F.S., within the immediately preceding two years.~~

~~(8) Applicants licensed for more than two years in another state must submit 30 hours of approved continuing education obtained in the two calendar years immediately preceding application.~~

Specific Authority 456.033, 465.005 FS., Chapter 2001-166, Laws of Florida. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS., Chapter 2001-166, Laws of Florida. History—New 11-8-01, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: Nuclear Pharmacist Licensure Subject Matter for Nuclear Pharmacist License Renewal Continuing Education Programs
RULE NOS.: 64B16-26.303 64B16-26.304

PURPOSE AND EFFECT: The Board proposes the new rules to update and to consolidate the requirements for nuclear pharmacist licensure into Chapter 64B-26., F.A.C.

SUMMARY: The new rules establish the requirements for nuclear pharmacist licensure and the subject matter required for nuclear pharmacist continuing education.

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

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

SPECIFIC AUTHORITY: 465.005, 465.0126 FS.

LAW IMPLEMENTED: 465.0126 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.303 Nuclear Pharmacist Licensure.

(1) A pharmacist licensed to practice pharmacy in this state who performs a radiopharmaceutical service shall, prior to engaging in such specialized practice, be actively licensed as a nuclear pharmacist.

(2) A pharmacist seeking licensure as a nuclear pharmacist in this state shall submit to the Board of Pharmacy a course outline from an accredited college of pharmacy or other program recognized by the Florida Department of Health and the Florida Board of Pharmacy (a program comparable to those offered by accredited colleges of pharmacy for the training of nuclear pharmacists), and a certificate of training which provides a minimum of 200 clock hours of formal didactic training, which includes:

(a) Radiation physics and instrumentation (85 hours).

(b) Radiation protection (45 hours).

(c) Mathematics pertaining to the use and measurement of radioactivity (20 hours).

(d) Radiation biology (20 hours).

(e) Radiopharmaceutical chemistry (30 hours).

(3) Such academic training programs will be submitted to the Board of Pharmacy for approval by an accredited educational institution which operates under the auspices of or in conjunction with an accredited college of pharmacy.

(4) The minimum on-the-job training which shall be included in a radiopharmacy internship is 500 hours of training and experience in the handling of unsealed radioactive material under the supervision of a licensed nuclear pharmacist. The training and experience shall include but shall not be limited to the following:

(a) Ordering, receiving and unpackaging in a safe manner, radioactive material, including the performance of related radiation surveys.

(b) Calibrating dose calibrators, scintillation detectors, and radiation monitoring equipment.

(c) Calculating, preparing and verifying patient doses, including the proper use of radiation shields.

(d) Following appropriate internal control procedures to prevent mislabeling.

(e) Learning emergency procedures to safely handle and contain spilled materials, including related decontamination procedures and surveys.

(f) Eluting technetium-99m from generator systems, assaying the eluate for technetium-99m and for molybdenum-99 contamination, and processing the eluate with reagent kits to prepare technetium-99m labeled radiopharmaceuticals.

(g) Clinical practice concepts.

(5) Guidelines for such programs are in a publication entitled "Guidelines for Florida Board of Pharmacy Internship Training in Radiopharmacy" (1988), incorporated herein by

reference, and which can be obtained by contacting the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Governmental and private radiopharmacy internship programs shall not apply to the pharmacy internship required under Rule 64B16-26.2031, F.A.C.

(6) If the didactic and experiential training required in this section have not been completed within the last seven (7) years, the applicant must have been engaged in the lawful practice of nuclear pharmacy in another jurisdiction at least 1080 hours during the last seven (7) years.

Specific Authority 465.005, 465.0126 FS. Law Implemented 465.0126 FS. History-New

64B16-26.304 Subject Matter for Nuclear Pharmacist License Renewal Continuing Education Programs.

(1) A licensee completing the continuing education requirement for nuclear pharmacist license renewal pursuant to Rule 64B16-26.103, F.A.C., shall complete twenty-four (24) additional hours per biennium of coursework each two year period by or through a Committee approved provider, instructionally designed to provide in-depth treatment of nuclear pharmacy practice with suggested subject matter set out in subsection (2) of this rule.

(2) Content of nuclear pharmacist continuing education program.

(a) Application of radiopharmaceutical theory in a practice or a research setting with respect to the drug products and their clinical application. Provision of drug and radiopharmaceutical information as it pertains to optimal handling and use of these products in a clinical setting.

(b) Effective communication skills in a multi-disciplinary environment with patients, nuclear medicine physicians, nuclear medicine technologists, radiation safety personnel and other nuclear pharmacists. The multi-faceted regulatory environment requires such skills in the preparation and maintenance of a radioactive by-product materials license, the identification and reporting of adverse reactions and misadministration, instances of poor product performance, environmental and personnel radiation safety.

(c) Application of the most rigorous and up-to-date principles of radiation safety and quality assurance in order to assure regulatory compendia, and operational standards for drug and radiopharmaceutical products and equipment. Record-keeping and other documentation activities essential to procurement, storage, compounding, handling and use, distribution and disposal should be emphasized.

(d) Management of a nuclear pharmacy unit in accordance with regulatory and administrative agencies' requirements.

(e) Advances in drug, radiopharmaceutical or related technology (including, but not limited to: monoclonal antibodies, magnetic resonance imaging, computed

tomography, positron-emission tomography, radioplaque and other contact enhancement agents, radioimmunoassay) with emphasis on paragraphs (a)-(d) above for such new agents.

Specific Authority 465.005, 465.0126 FS. Law Implemented 465.0126 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: Subject Matter for Continuing Education to

RULE NOS.:

Order and Evaluate Laboratory Tests 64B16-26.320
Pharmacy Interns; Registration; Employment 64B16-26.400

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the requirements for continuing education when a pharmacist orders and evaluates laboratory tests. The amendments also update and consolidate the requirements of pharmacy internship into Chapter 64B-26, F.A.C.

SUMMARY: The rule amendments set forth the requirements for pharmacists who order and evaluate laboratory tests, and set forth the requirements for pharmacy intern registration and employment.

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

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

SPECIFIC AUTHORITY: 465.005, 465.009, 465.0125(3) FS.

LAW IMPLEMENTED: 465.013 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.320 Subject Matter for Continuing Education to Order and Evaluate ~~Ordering and Evaluation of~~ Laboratory Tests.

(1) ~~These~~ Consultant pharmacists and pharmacists holding the Doctor of Pharmacy degree that wish to order and evaluate laboratory tests under the provisions of Section 465.0125, F.S., shall successfully complete the requirements of a continuing education course set forth herein ~~provided for by this section~~ prior to such practice. Successful completion of the course will certify the pharmacist for this practice for two (2) years from date of completion.

(2) No change.

(3) A consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the continuing education requirement ~~that a consultant pharmacist biennially complete twenty four (24) hours of continuing education~~ for renewal of a consultant pharmacist license under Rule 64B16-26.300, F.A.C., or may apply such continuing education hours toward the continuing education requirement ~~that a pharmacist biennially complete thirty (30) hours of continuing education~~ for renewal of a pharmacist license under Rules 64B16-26.103 ~~and 64B16-26.606~~, F.A.C., but may not use the same continuing education hours to satisfy both requirements. A Doctor of Pharmacy who is not a consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the requirement that a pharmacist biennially complete thirty (30) hours of continuing education requirement for renewal of a pharmacist license under Rules 64B16-26.103 ~~and 64B16-26.606~~, F.A.C.

Specific Authority 465.009, 465.0125(3) FS. Law Implemented 465.013 FS. History--New 2-23-98, Amended 6-15-98, 1-12-03, _____.

64B16-26.400 Pharmacy Interns; Registration; Employment.

(1) ~~A No person may serve as a~~ pharmacy intern is required to be registered with the Board of Pharmacy as an intern before being employed as an intern in a pharmacy in Florida, in a pharmacy in this state until such time as he is registered with the Department of Health as an intern. This requirement applies only to interns interning in this state.

(2) ~~An applicant for pharmacy intern registration must submit No person shall be registered as a pharmacy intern until such time as he has submitted~~ to the satisfaction of the Florida Board of Pharmacy, proof of that he:

(a) ~~Enrollment Is enrolled in an internship program at an~~ accredited college or school of pharmacy or;

(b) ~~Graduation from~~ ~~Is a graduate of~~ an accredited college or school of pharmacy ~~and is not yet licensed in the state.~~ For purposes of this rule only, any individual who has been accepted by the Foreign Pharmacy Graduate Examination Commission to sit for the Foreign Pharmacy Graduate Equivalency Examination ~~as defined in Rule 64B16-26.205, F.A.C.,~~ shall be considered a graduate of an accredited college or school of pharmacy ~~and shall be permitted to practice as an intern until such graduate has successfully completed the Foreign Pharmacy Graduate Equivalency Examination.~~ The internship experience allowed under this provision shall not count toward the 500-hours internship required subsequent to passage of the Foreign Pharmacy Graduate Equivalency Examination as mandated in Section 465.007(1)(b)2., F.S., and as defined in Rule 64B16-26.203~~5~~, F.A.C.

(3) No change.

(4) No intern shall perform any acts relating to the filling, compounding, or dispensing of medicinal drugs unless it is done ~~he does so~~ under the direct and immediate personal supervision of a person actively licensed to practice pharmacy in this state.

(5) An intern certificate shall expire ~~for all persons described in paragraph 64B16-26.400(2)(b), F.A.C., shall expire if a person fails to apply for and take each examination until the examination is passed.~~

(a) Six (6) years from the date of issue, if the person is enrolled in an accredited college or school of pharmacy; or

(b) One (1) year from the date of issue if the person is a graduate of an accredited college or school of pharmacy.

(6) An intern certificate may be renewed for a term of one (1) year at the discretion of the Board.

Specific Authority 465.005 FS. Law Implemented 465.013 FS. History—Amended 8-20-63, 5-19-72, 8-18-73, Repromulgated 12-18-74, Amended 11-10-80, 4-30-85, Formerly 21S-1.21, Amended 10-20-88, Formerly 21S-1.021, Amended 7-31-91, 1-10-93, Formerly 21S-26.400, 61F10-26.400, 59X-26.400, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Local Laws

RULE TITLE: _____ RULE NO.:

Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act 68B-3.008

PURPOSE AND EFFECT: The purpose of this rule amendment is to allow the use of gigs to harvest legal size sheepshead in Volusia County. The effect will be to conform this local rule for Volusia County with current statewide rules for the harvest of sheepshead in Rule Chapter 68B-48, F.A.C.

SUMMARY: Paragraph (3)(a) of Rule 68B-3.008, F.A.C., is amended to allow the harvest of sheepshead by the means of a barbed spear, with not more than three (3) prongs, in Volusia County.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE HEARING ON THE PROPOSED RULES WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, September 22-24, 2004

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida 33701-4342

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-3.008 Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act.

(1) through (2) No change.

(3)(a) It is unlawful for any person, firm or corporation to harvest or attempt to harvest marine species of fish in the inland salt waters of Volusia County in any way or with any appliance other than with the ordinary cast net, rod and reel, pinfish trap meeting the specifications of Section 370.1105(1)(b), F.S., or hook and line except as provided otherwise in Rule 68B-3.008, F.A.C. Legal size flounders and sheepshead may be taken by the means of a barbed spear, with not more than three (3) prongs.

(b) through (h) No change.

PROPOSED EFFECTIVE DATE: January 1, 2005.

~~Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 10-19-89, Amended 1-9-91, 1-1-92, 7-1-92, 11-26-92, 10-3-94, 9-30-96, 7-30-97, Formerly 46-3.008, Amended 10-16-02, 1-1-05.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2004

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Blue Crab

RULE TITLE: Regulation and Prohibition of Regulation and Prohibition of

RULE NO.:

Certain Harvesting Gear 68B-45.004

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement recommendations of the Blue Crab Advisory Board to allow the feeding of male blue crabs used to attract female peeler crabs into peeler traps; to make a technical change in the specifications for orientation of degradable panels; allow the use of degradable staples; and extend the moratorium on issuing new blue crab endorsements until July 1, 2006. The effect will be to allow peeler crab harvesters to keep male crabs, used as bait, alive; to give blue crab trappers more options for degradable panels and materials; and to extend the blue crab endorsement moratorium while an effort management plan is established.

SUMMARY: Paragraph (2)(d) of Rule 68B-45.004, F.A.C., is amended to allow feeding of male crabs used as bait to attract female blue crabs into peeler traps. Paragraphs (7)(d)-(g) of Rule 68B-45.004, F.A.C., are amended to allow vertical or horizontal orientation of degradable panels in blue crab traps. Additionally, paragraph (7)(g) is amended to allow the use of 16 gauge degradable staples. Paragraph (9)(b) of Rule 68B-45.004, F.A.C., is amended to extend the moratorium on issuing new blue crab endorsements until July 1 2006.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of regulatory cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING ON THE PROPOSED RULES WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, September 22-24, 2004

PLACE: St. Petersburg Hilton, 333 First Street, St. Petersburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) No change.

(2)(a) Peeler crabs may be harvested in traps constructed of wire with a minimum mesh size of one inch and with the throats or entrances located only on a vertical surface. Such traps shall have a maximum dimension of 24 inches by 24 inches by 24 inches or a volume of 8 cubic feet and a degradable panel.

(b) Each trap used to harvest peeler crabs shall have buoys and be identified as described in subparagraph (a)2., and (a)3. or (a)4. of this subsection.

(c) All peeler crabs harvested must be kept in a container separate from other blue crabs.

(d) Each trap used to harvest peeler crabs shall only be baited with live male blue crabs. Male crabs so used as bait to attract female blue crabs into peeler traps may be periodically fed with no more than a single bait fish. Any trap used to harvest blue crabs that is baited with anything other than live male blue crabs shall meet the requirements of paragraph (1)(a) of this rule.

(3) through (6) No change.

(7) A trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(a) through (c) No change.

(d) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or

looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

(e) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

(f) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

(g) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by galvanized staples 16 gauge or thinner, rings made of non-coated 24 gauge or thinner wire, or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

(8) No change.

(9)(a) No person shall harvest any blue crabs for commercial purposes with any trap unless such person possesses a valid saltwater products license to which is affixed both a blue crab endorsement and a restricted species endorsement.

(b) Notwithstanding Section 370.135(2)(a), Florida Statutes, effective July 1, 2002, and until July 1, ~~2006~~ 2005, no blue crab endorsements, except those endorsements that were active during the 2001-2002 fiscal year, shall be renewed or replaced. In 2002 and in subsequent years until July 1, ~~2006~~ 2005, persons or corporations holding a blue crab endorsement that was active in the 2001-2002 fiscal year or an immediate family member of that person must request renewal of the blue crab endorsement before September 30 of each year. All provisions of Sections 370.135(2)(c)-(e), Florida Statutes, shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, Formerly 46-45.004, Amended 6-1-99, 2-28-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2004

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

RULE NOS.:
40B-4.1040
40B-4.2030
40B-4.3010
40B-4.3030

RULE TITLES:
Permits Required
Conditions for Issuance of Environmental Resource Permits
General Works of the District Development Permits
Conditions for Issuance of Works of the District Development Permits

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 40B-4, F.A.C., published in the Florida Administrative Weekly, Vol. 30, No. 22, on May 28, 2004, has been changed to reflect comments received from the Florida Engineering Society. When changed, Chapter 40B-4, F.A.C., shall read as follows:

40B-4.1040 Permits Required.

(1) Permits are required as follows:

(a) Environmental resource ~~Surfacewater management~~ permit prior to initiating any project which involves draining, developing, or subdividing property, construction of roads or bridges, commercial or industrial developments, and agricultural or forestry activities, including dredging or filling, or the construction, alteration, maintenance, operation, or abandonment of any dam, impoundment, reservoir, appurtenant works, works, or surfacewater management system.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.413, 373.416, 373.426 FS. History--New 9-25-85, Amended 12-22-92, 10-3-95,_____.

40B-4.2030 Conditions for Issuance of Environmental Resource ~~Surfacewater Management~~ Permits.

(11) The district shall not approve the issuance of permits for new surface water management systems or individual works which result in permanent damage to a work of the district.

(13) The district shall not approve the issuance of permits for mining, associated mining activities, and borrow pits within a work of the district.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.413, 373.416, 373.426 FS. History--New 9-25-85, Amended 2-1-89, 10-3-95,_____.

40B-4.3010 General Works of the District Development Permits.

(1) A general works of the district development permit may be granted pursuant to the procedures in Rule 40B-1.703, F.A.C., to any person for a duration not to exceed three years for the development described below:

Construction of a structure for single-family residential or agricultural use including the leveling of land for the foundation and associated private water supply, wastewater disposal, and driveway access which is in compliance with all

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40B-2 Permitting of Water Use

RULE NO.: RULE TITLE:

40B-2.321 Duration of Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced Proposed Rule Development, as noticed in Vol. 30, No. 14, of the Florida Administrative Weekly on April 2, 2004, has been withdrawn.

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40B-4 Environmental Resource and Works of the District Permits

applicable ordinances or rules of local government, state, and federal agencies, and which meets the requirements of this chapter.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 3-19-86, 12-22-92, _____.

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

~~(6)(d)~~ A permanent elevation monument shall be is established on the property by a surveyor licensed under Chapter 472 F.S. to be developed by a surveyor. The monument shall be adequate to establish land surface and minimum buildup elevations to the nearest 1/100 of a foot.

~~(7)(e)~~ No permanent fill material shall or other obstructions are to be placed above the natural grade of the ground except for minor obstructions which are less than or equal to 100 square feet of the cross-sectional area of the floodway on any building or other similar structure provided that all such obstruction developed on any single parcel of land after the implementation date of this chapter is considered cumulatively.

(10) Boat ramps constructed within a Work of the District shall be designed by a Florida licensed engineer.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 2-12-87, 2-1-89, 12-22-92, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

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

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

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NOS.:	RULE TITLES:
60DD-3.002	Definitions
60DD-3.005	Service User Committee

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(d)(d)1., F.S., that the following changes have been made to the proposed rules published in Vol. 30, No. 12, March 19, 2004, Vol. 30, No. 22, May 28, 2004 and Vol. 30, No. 28, July 9, 2004 issues of the Florida Administrative Weekly:

60DD-3.002 Definitions.

For the purposes of Rules 60DD-3.001-3.005, Florida Administrative Code, the following terms shall be defined as set forth herein:

(1) “Business day” means 7:00 a.m. through 6:00 p.m. Eastern Standard Time, Monday through Friday, excluding State holidays.

(2) “Case” means a unique End User problem requiring ETSD Services, which requires multiple contacts to resolve the problem.

(3) “Closed Case” means all Tier 0 or Tier 1 cases that have been resolved through the ETSD and all cases escalated to Tiers 2 and above that have either been resolved or which have been withdrawn.

(4) “Customer Relationship Manager” means an employee of the State Technology Office assigned to manage the portfolio of one or more Eligible Users.

(5) “Eligible User” means an entity or organization authorized to utilize ETSD Services.

(6) “End User” or “Eligible Entity” means individuals authorized by an Eligible User to received and use ETSD Services.

(7) “Enterprise Technology Services Desk Services” or “ETSD Services” means those services provided to Eligible Users via the ETSD as agreed by contract between the State Technology Office and the ETSD Service Provider and in Service Level Agreements between State Technology Office and Eligible Users.

(8) “Enterprise Technology Services Desk” or “ETSD” means the system through which information technology services are provided to Eligible Users, as described in Rules 60DD-3.001-.005, Florida Administrative Code.

(9) “Enterprise Technology Services Desk Provider” or “ETSD Service Provider” means the entity that operates the Enterprise Technology Services Desk.

(10) “Help Desk Professional” or “ETSD Professional” means an ETSD worker who opens, attempts to resolve, tracks escalated cases, and closes Tier 1 cases.

(11) “Knowledge base” means repository of information in an organized and structured format populated with solutions to problems or questions posed by Eligible Users.

(12) “Knowledge Manager” means a process owner for knowledge management within all Tier levels and oversees the success of effective deployment of knowledge management processes.

(13) “Product Manager” means an individual employed by the State Technology Office who is responsible for providing input on contract management, oversight, strategic direction, and decision making regarding Enterprise Technology Services Desk Services.

(14) “Self Service ePortal” or “Self Service Portal” or “Help Desk eSupport” means web-enabled support services that provide for the resolution of cases without human interaction.

(15) “Service Level Agreement” means a written agreement, executed by the State Technology Office and the User or End User that describes the ETSD Services that will be provided to the User or End User and the specific responsibilities of the State Technology Office, the ETSD Provider, and the User or End User.

(16) “Tier” means the level of designation for cases assignment, with those levels being Tier 0, being self-resolved without human interaction; Tier 1 being resolved with human interaction at the ETSD level only; and Tier 2 and above indicating those Cases that require human support and escalation to more specialized personnel within the Eligible User agency.

(17) “User” means an Eligible User that elects to use ETSD Services and that enters into a Service Level Agreement.

Specific Authority 282.102(16), 282.23(2), 287.057(24)(d) FS. Laws Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History—New _____.

60DD-3.005 Service User Committee.

(1) The State Technology Office shall establish an ETSD Service User Committee, which shall consist of the following:

- (a) Representatives of the ETSD Service Provider;
- (b) The ETSD Product Manager;
- (c) Representatives of Eligible Users acceptable to both the STO and the ETSD Service Provider;
- (d) State Technology Office Program ~~Project~~ Management Office.

(2) The ETSD Service User Committee shall provide recommendations and commetns to the State Technology Office and the ETSD Service Provider on at least a quarterly basis, relating to:

- (a) ETSD Operations;
- (b) Identification of new User and Eligible User requirements;
- (c) Prioritizing possible ETSD enhancements;
- (d) User and Eligible User surveying;
- (e) Communications with Users and Eligible Users; and
- (f) Any other matters relating to ETSD Services.

Specific Authority 282.102(16), 282.23(2), 287.057(24)(d) FS. Laws Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Madden, Chief, Enterprise Technologies, State Technology Office, Department of

Management Services, 4030 Esplanade Way, Suite 115M, Tallahassee, Florida 32399-0950, (850)488-1320, Julie.Madden@MyFlorida.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-11.017
 RULE TITLE: Time for Compliance with Final Order

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 47, of the Florida Administrative Weekly on November 21, 2003, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: 61G16-8.001
 RULE TITLE: License and Certification Renewal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 26, June 25, 2004, issue of the Florida Administrative Weekly. The following changes are being made based on comments from the Joint Administrative Procedures Committee.

Subsection (1) shall reads as follows:

(1) Exemption of Spouses of Members of Armed Forces from licensure Renewal Provisions – A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the Board of the absence and the spouse’s military status.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Geologists, 1940 N. Monroe Street, Tallahassee, FL 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on August 5, 2004, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), F.A.C., from McDot's located in Gainesville. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapters 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

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 August 5, 2004, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), F.A.C., from McDot's located in Fort Myers. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapters 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Enrique Acosta. The Notice of Petition for Waiver or Variance was published in Vol. 30, No. 25, of the June 18, 2004, Florida Administrative Weekly. The Board of Dentistry considered the Petition at its meeting held on July 23, 2004. The Board's Order, filed on August 4, 2004, grants the petition for waiver finding that the failure to obtain the required Dean's letter does not circumvent or otherwise obviate the intention of subsection 64B5-2.0146(2), F.A.C., or the statute it implements.

A copy of the Board's Order may be obtained by contacting: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3758.

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Bertram Ivan Moldauer, D.D.S. The Notice of Petition for Waiver or Variance was published in Vol. 30, No. 25, of the June 18, 2004, Florida Administrative Weekly. The Board of Dentistry considered the Petition at its meeting held on July 23, 2004. The Board's Order, filed on August 4, 2004, grants the petition for waiver finding that the failure to obtain the required Dean's letter does not circumvent or otherwise obviate the intention of subsection 64B5-2.0146(2), F.A.C., or the statute it implements.

A copy of the Board's Order may be obtained by contacting: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3758.

The Board of Dentistry hereby gives notice that it has received a Petition, filed on July 28, 2004, from Allen R. Grossman, Esquire, on behalf of Anabella Henao-Aldrey, D.D.S., seeking a waiver or variance of subsection 64B5-2.0146(2), Florida Administrative Code, with respect to the requirement the applicant successfully complete remediation to the level of a graduating senior and obtain a letter from the dean of the dental school. The Board will consider the Petition on September 17, 2004, at 8:00 a.m., or shortly thereafter, at the Hilton University of Florida Conference Center 1714 S. W. 34th Street, Gainesville, FL 32607, (352)371-3600.

Comments on this Petition should be filed with the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the Petition, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

The Board of Dentistry hereby gives notice that it has received a Petition, filed on July 28, 2004, from Allen R. Grossman, Esquire, on behalf of Lilita Mosquera, D.M.D., seeking a waiver or variance of subsection 64B5-2.0146(2), Florida Administrative Code, with respect to the requirement the applicant successfully complete remediation to the level of a graduating senior and obtain a letter from the dean of the dental school. The Board will consider the Petition on September 17, 2004, at 8:00 a.m., or shortly thereafter, at the Hilton University of Florida Conference Center 1714 S. W. 34th Street, Gainesville, FL 32607, (352)371-3600.

Comments on this Petition should be filed with the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the Petition, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

The Board of Medicine hereby gives notice that it has received a petition filed on August 4, 2004, by Ashraf Sakr, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver.

NAME OF THE PETITIONER: Hampton Point Limited Partnership

DATE PETITION WAS FILED: June 29, 2004

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-21.008(1)(g), Florida Administrative Code (2001), which requires the submission of audited financial statements.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 9, 2004, Vol. 30, No. 28.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: July 30, 2004

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4198, e-mail: Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN that on, August 9, 2004, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-50.005(6), Florida Administrative Code, from Okaloosa Community Development Corporation ("Petition"). The Petition is seeking a variance from the rule which provides that a Phase I Environmental Site Assessment must be performed.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on, August 11, 2004, Florida Housing Finance Corporation received a request to withdraw the Petition for Waiver of subsection 67-50.005(8), Florida Administrative Code, received by Florida Housing on August 9, 2004, and replacement of the Petition with a new Petition for waiver of subsection 67-50.005(6), Florida Administrative Code, from Okaloosa Community Development Corporation (“Petition”). The new petition requests a waiver of the rule which provides that all roads in the development be paved roads.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on August 11, 2004, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-50.005(6), Florida Administrative Code, from The Housing League, Inc. (“Petition”) (St. Johns County Scattered Sites). The Petition is seeking a variance from the rule which provides that all roads are to be paved.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has received a petition from Sea Side Films Florida, Inc., for a temporary variance from portions of the Dade County manatee protection rule (68C-22.025, Florida Administrative Code). The petition was received by the Commission on August 3, 2004, and seeks authorization to allow the applicant to operate up to six watercraft (two of which would be personal watercraft) at speeds greater than allowed by the rule in a portion of Biscayne Bay. The petition states that higher speeds (up to 35 mph) are needed for the filming of several scenes for the theatrical motion picture “Transporter 2.” The planned dates for filming are September 9-10, 2004.

Copies of the petition may be received from and written comments submitted to: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (Mail Station 6A), 620 South Meridian Street, Tallahassee, FL 32399-1600.

Comments regarding the petition will be accepted for no less than 14 days from the date of publication of this notice.

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

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: September 8, 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 Florida **Department of State, State Library and Archives of Florida** announces the State Library Council Meeting via Conference Call to which all interested parties are invited to participate.

DATE AND TIME: Tuesday, September 7, 2004, 10:00 a.m. – 11:30 a.m.

PLACE: Office of the State Librarian, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399 (Toll Free Dial-In Number: 1(877)807-5706, Host Code: 194701, Participant Code: 948437)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council will review and discuss programs and issues related to the State Library and Archives of Florida.

For additional information contact: Judith Ring, State Librarian, (850)245-6600, Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

The Florida **Department of State, State Library and Archives of Florida** announces the State Library Council Meeting to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, October 13, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Embassy Suites Hotel, 1100 Southeast 17th Street, Fort Lauderdale, Florida 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council will review and discuss programs and issues related to the State Library and Archives of Florida.

For additional information contact: Judith Ring, State Librarian, (850)245-6600, Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

The **Department of State, Division of Elections** announces the following meetings of the Elections Canvassing Commission for the 2004 Primary Election.

DATE AND TIME: September 2, 2004, 5:00 p.m.

PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review first unofficial returns to determine if a machine recount is required pursuant to Section 102.141, F.S.

DATE AND TIME: September 3, 2004, 5:00 p.m.

PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: If necessary, review second unofficial returns to determine if a manual recount is required pursuant to Section 102.166, F.S.

DATE AND TIME: September 8, 2004, 3:00 p.m.

PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certify official results for the 2004 Primary Election.

For additional information contact: Sarah Jane Bradshaw, Assistant Director, Division of Elections, (850)245-6200.

Any person requiring special accommodations due to disability or physical impairment should contact the agency at least 3 days prior to the meeting in order to request any special assistance by calling: Sarah Jane Bradshaw, (850)245-6200.

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: September 2, 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 **State Fair Authority** announces a meeting of the *Agricultural Committee to which all persons are invited.

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

PLACE: Bob Thomas Equestrian Center – Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agricultural plans for the year.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680

If special accommodations are needed due to a disability, please contact Ms. Frances Ayala, (813)627-4221, as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Finance Committee.

DATE AND TIME: Monday, September 13, 2004, 11:00 a.m.

PLACE: Bob Thomas Equestrian Center – Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business of the Finance Committee.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Ms. Frances Ayala, (813)627-4221, as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Marketing Committee.

DATE AND TIME: Monday, September 13, 2004, 11:00 a.m.

PLACE: Bob Thomas Equestrian Center – Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business of the Marketing Committee.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680

If special accommodations are needed due to a disability, please contact Ms. Frances Ayala, (813)627-4221, as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Board.

DATE AND TIME: Monday, September 13, 2004, 1:00 p.m.

PLACE: Bob Thomas Equestrian Center – Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports; Midway Update; Old and New Business.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680

If special accommodations are needed due to a disability please contact Ms. Frances Ayala, (813)627-4221, as soon as possible.

Notice is hereby given that the Florida **Department of Agriculture and Consumer Services, Division of Food Safety** will conduct a public meeting of the Florida Food Safety and Food Security Advisory Council to which all interested persons are invited.

DATE AND TIME: September 1, 2004, 10:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida, (850)488-0295

GENERAL SUBJECT MATTER TO BE ADDRESSED: Organizational Meeting, discussion of operational guidelines for the Florida Food Safety and Food Security Advisory Council, report from the Transportation Working Group.

THE PERSON TO BE CONTACTED REGARDING THIS MEETING IS: Dr. Marion F. Aller, Director, Division of Food Safety, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-0295

An agenda of the meeting is available at no charge from the contact person listed above.

DEPARTMENT OF EDUCATION

The **Department of Education** announces a meeting to which all interested persons are invited to participate.

DATES AND TIME: August 30, 2004-September 3, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: Room 1703/07, Turlington Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and evaluate proposals received in response to the Bid No. Request for Proposals 2005-01, Administration of the Florida Comprehensive Assessment Test (FCAT).

To obtain additional information about this meeting, please contact: Dr. Judith Keck, (850)245-0513

The Probable Cause Panel of the **Commission for Independent Education** announces a meeting.

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

PLACE: By teleconference “meet me” number (850)488-3676, Suncom 278-3676

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the investigative reports and complaints in which the probable cause panel has to make a determination as to whether there is the existence of probable cause pursuant to Chapter 1005, Florida Statutes.

A copy of the public portion of the agenda may be obtained by writing: Margaret O’Sullivan Parker, Deputy General Counsel, Florida Department of Education, Room 1244, Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0442.

NOTE: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)448-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) and 1(800)955-8771 (TDD).

The **Commission for Independent Education** announces a Bilingual/Enrollment Agreement Committee meeting to which all persons are invited.

Bilingual/Enrollment Committee Meeting

DATE AND TIME: August 31, 2004, 10:00 a.m.

PLACE: City College, 1401 West Cypress Creek Road, Ft. Lauderdale, Florida 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct committee business and draft rules related to the committee topics.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Education Foundation** announces the Quarterly Meeting of the Board of Directors and Committees.

DATE AND TIME: September 14, 2004, Committee Meetings – 10:00 a.m. – 11:30 a.m. or upon conclusion of business; Board of Directors Meeting – 12:15 p.m. – 3:00 p.m. or upon adjournment

PLACE: Washington Mutual Training Facility, 3030 N. Rocky Point Drive, West, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the second quarterly meeting of the board. Consideration of foundation business including but not limited to: Committee reports; pending accounts payable, possible committee proposals for funding and matters pertaining to general administration of the foundation; commissioner’s update; executive director’s report and approval of minutes from May 27, 2004 board meeting.

This meeting is open to the public. Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 2 days in advance, so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

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

DATE AND TIME: August 29, 2004, 1:00 p.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC

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

Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Flagler Holding Company, 4218 N. E. 2nd Avenue, Miami; Anna Maria City Hall, 1005 Gulf Drive, Anna Maria; Sutra Lounge, 109 W. 2nd Avenue, Fort Lauderdale; Stock Exchange Restaurant, 125 Basin Street, Daytona Beach; Club Deep, 621 Washington Avenue, Miami Beach; Palmer College of Chiropractic, Port Orange; Florida International University School of Law, University Park, Miami; Montessori Learning Center of Lake Worth, 1845 Lake Worth Road, Lake Worth; First Church of the Nazarene, 1983 Mahan Drive, Tallahassee; Cavalier Hotel, 1320 Ocean Drive, Miami Beach; Brilor L.L.C., DBA Amika, 1532 Washington Avenue, Miami Beach; Nassau Suite Hotel, 1414 Collins Avenue, Miami Beach; Downtown Produce, Inc., 7856 Ellis Road, Melbourne; Walter L. Sickles High School, 7950 Gunn Highway, Tampa; About Family Fitness, The Shoppes at Heron Lakes, Coral Springs; Graybar Electric, Intersection of N. W. 91st Street and 112th Avenue, Miami; Weaver Dental Office, 1955 Raymond Diehl Road, Tallahassee; International Polo Club, 3667 120th Avenue South, Wellington; Commercial Retail Space, 78 Spanish Street, St. Augustine; Kilnock, Inc., 827 and 837 North Ft. Lauderdale Beach Boulevard, Fort Lauderdale.

DATE AND TIMES: August 30, 2004

8:00 a.m. Product Approval/Prototype Buildings/Manufactured Buildings POC

1:00 p.m. Meeting of the Structural Technical Advisory Committee.

3:00 p.m. Meeting of the Fire Technical Advisory Committee.

3:00 p.m. Meeting of the Educational Technical Advisory Committee.

DATE AND TIMES: August 31, 2004

8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of April 20, 2004 Meeting Minutes, Chair’s Discussion Issues and Recommendations; review and update Commission Workplan.

9:15 a.m. Consideration of requests for waiver from accessibility code requirements: Flagler Holding Company, 4218 N. E. 2nd Avenue, Miami; Anna Maria City Hall, 1005 Gulf Drive, Anna Maria; Sutra Lounge, 109 W. 2nd Avenue, Fort Lauderdale; Stock Exchange Restaurant, 125 Basin Street, Daytona Beach; Club Deep, 621 Washington Avenue, Miami Beach; Palmer College of Chiropractic, Port Orange; Florida International University School of Law, University Park, Miami; Montessori Learning Center of Lake Worth, 1845 Lake Worth Road, Lake Worth; First Church of the Nazarene, 1983 Mahan Drive, Tallahassee; Cavalier Hotel, 1320 Ocean Drive, Miami Beach; Brilor L.L.C., DBA Amika, 1532 Washington Avenue, Miami Beach; Nassau Suite Hotel, 1414 Collins Avenue, Miami Beach; Downtown Produce, Inc., 7856 Ellis Road, Melbourne; Walter L. Sickles High School, 7950 Gunn Highway, Tampa; About Family Fitness, The Shoppes at Heron Lakes, Coral Springs; Graybar Electric, Intersection of N. W. 91st Street and 112th Avenue, Miami; Weaver Dental Office, 1955 Raymond Diehl Road, Tallahassee; International Polo Club, 3667 120th Avenue South, Wellington; Commercial Retail Space, 78 Spanish Street, St. Augustine; Kilnock, Inc., 827 and 837 North Ft. Lauderdale Beach Boulevard, Fort Lauderdale.

9:45 a.m. Legal Reports and consideration of Petitions for Declaratory Statement:

Second Hearing:

- DCA04-DEC-069 by Robert H. Boyer, Palm Beach County
- DCA04-DEC-072 by James M. Fowler, National Engineering Corp.
- DCA04-DEC-077 by Charles W. Edwards, Building Code Solutions
- DCA-04-DEC-108 by James G. Dular, Tamtech Services Inc.
- DCA04-DEC-109 by George A. Hegedus, P.E., Structural Systems Inc.
- DCA04-DEC-110 by C. W. Macomber, Palm Beach County
- DCA04-DEC-116 by C. W. Macomber, Palm Beach County
- DCA04-DEC-117 by Dennis Braddy, Fenestration Manufacturers Association

First Hearing:

- DCA04-DEC-139 by T. A. Krebs
- DCA04-DEC-145 by Bob Boyer, Palm Beach County
- DCA04-DEC-147 by Ricco Longo, Fire Districts of Collier County

- DCA04-DEC-157 by James Bell, Assa Abloy Inc.
- DCA04-DEC-159 by Herminio Gonzalez, Miami-Dade County

- 10:15 a.m. Consideration of Applications for Product and Entity Approval
- 10:45 a.m. Receive Public Comment on ASCE 7 adoption through Code versus law.
- 1:00 p.m. Rule Adoption Hearing on Rule 9B-3.047, 2004 Florida Building Code
- 2:00 p.m. Receive Progress Report of Local Product Approval Work Group.
- 2:20 p.m. Consider Alternate Plan Review and Inspections Work Group Report.
- 2:40 p.m. Identify Issues for Report to the 2005 Legislature.
- 3:10 p.m. Consideration of Committee Reports and Recommendations: Education TAC Report; Fire TAC Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

- 3:25 p.m. Receive public comment.
 - 3:35 p.m. Commission Member Comments and Issues.
- PLACE: Fontainebleau Hilton Resort, 4441 Collins Avenue, Miami Beach, Florida, (305)538-2000

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Ms. 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, web site: www.floridabuilding.org.

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

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

The **Florida Communities Trust** announces a Public Meeting of the Governing Body to which all persons are invited.

DATE AND TIME: September 1, 2004, 9:00 a.m. – business is concluded on that date; continuing September 2, 2004, 9:00 a.m. – 12:00 p.m.

PLACE: City Hall, City Commission Chambers, City of Tallahassee, 300 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rank and select FF4 projects for funding; discuss amendment to the delegations; and, other business that the governing board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business.

To obtain a copy of the agenda, contact: Trust, (850)922-2207. If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based. Persons requiring a special accommodation for a disability or physical impairment should contact Florida Communities Trust, (850)922-2207, Suncom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida Highway Beautification Council** (FHBC) announces a Teleconference meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 1, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Teleconference call in number (850)921-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to conduct general business.

For information please contact: Mr. Jeff Caster, State Transportation Landscape Architect, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)410-5892, jeff.caster@dot.state.fl.us.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jeff Caster, (850)410-5892, prior to the meeting.

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2004, 10:00 a.m. – conclusion

PLACE: Greater Orlando Aviation Authority Board Room, Terminal A, 3rd Floor, Orlando International Airport, One Airport Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

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

PLACE: Quality Inn & Suites Conference Center, 6525 US 27, North, Sebring, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission.

The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking, and other matters addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be John R. Alexander, Patrick Carlton, Michael L. Carrere, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, William J. Ferrari, George T. Pantuso, Anina C. McSweeney, Stephen W. Ryan, Ray Smith, Andrew R. Taylor, Dan Gunter, Hank B. Campbell, Esq., Monterey Campbell, Esq., Barry Richard, Esq., and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone, (863)499-2499.

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: Wednesday, September 1, 2004, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release 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 Blairstone 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 its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 7, 2004, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

The agenda and recommendations are also accessible on the PSC Homepage, <http://www.floridapsc.com>, at no charge.

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

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: September 7, 2004, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

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

Docket No. 031125-TP – Complaint against BellSouth Telecommunications, Inc. for alleged overbilling and discontinuance of service, and petition for emergency order restoring service, by IDS Telecom LLC.

DATE AND TIME: September 10, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the complaint against BellSouth Telecommunications, Inc. for alleged overbilling and discontinuance of service, and petition for emergency order restoring service, by IDS Telecom LLC., 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 30, 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Film and Entertainment** and the Legislative Sub-Committee of the Florida Film Advisory Council will convene in a planning meeting. This is a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 20, 2004, 4:00 p.m.

PLACE: Conference Call (850)414-1710, Suncom 994-1710

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss possible revisions to the Entertainment Industry Financial Incentive.

A copy of the agenda with discussion items may be obtained by writing: Kasey Hoy, Executive Assistant, Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001, (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Florida Sports Foundation** announces its quarterly Board of Directors meeting to which all persons are invited.

DATE AND TIME: Friday, September 17, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Miami Airport Marriott, 1201 N. W. LeJeune Road, Miami, Florida 33126

Please make note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, September 2, 2004, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, September 2, 2004, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Transportation and Economic Development Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, September 2, 2004, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation and economic development issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited:

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

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

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

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, September 2, 2004, 8:00 a.m.

PLACE: Burns Building Auditorium, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday, 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

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

DATE AND TIME: August 24, 2004, 7:30 p.m. – 9:00 p.m.

PLACE: Paul Bell Middle School Auditorium, 11800 N. W. 2nd Street, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed plans for the construction of a flood mitigation berm along the northern portion of the C-4 canal and canal dredging, and to answer questions relating to right of way encroachments within the Belen area of Miami-Dade County that might interfere with the proposed construction.

A copy of the agenda may be obtained at the District Website (<http://www.sfwmd.gov/>) or by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although meetings and hearings are sometimes 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: Audrey Ordenes, (305)377-7274, Ext. 7279.

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

DATE AND TIME: September 1, 2004, 7:00 p.m.

PLACE: EWF Stirrup Elementary School, 330 N. W. 97th Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed plans for the construction of a flood mitigation berm along the northern portion of the C-4 canal (Tamiami canal) from S. W. 97th Avenue to S. W. 107th 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 District Website (<http://www.sfwmd.gov/agenda.html>) or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

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

The **South Florida Water Management District** announces a meeting to conduct the public review of the 2005 South Florida Environmental Report, an expansion of the former Everglades Consolidated Reports with additional reporting consolidations, to which all persons are invited to view and in which all members of the public are encouraged to participate. The review will be conducted through the use of an internet accessible website.

DATES AND TIME: The Web Board will be available for public viewing and comments from September 1, 2004 – September 29, 2004

PLACE: <http://www.sfwmd.gov/sfer/>

For persons without access to the Internet, access to the website is available at the offices of the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida from 8:00 a.m. – 5:00 p.m., Monday through Friday.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This website (<http://www.sfwmd.gov/sfer/>) will be used to allow public access to and participation in communications among the chairman and members of the independent peer review panel created to conduct a review of the 2005 South Florida Environmental Report, pursuant to Section 373.4592(4)(d), F.S.

Beginning on September 1, 2004, through September 29, 2004, interested parties may access ongoing communications among the peer review panelists, electronically stored communications and other public records associated with the 2005 Report that are posted to this site. Peer review panelists will post information at the website from Monday through Friday during normal working hours, Eastern Daylight Time. The public can provide comment directly at the website at any time between September 1, 2004 and September 29, 2004 on any aspect of the Report, particularly on relevant scientific or technical data and findings. Communications and documents posted are preserved and can be accessed at anytime after they occur or are posted. The peer review panelists will continue to use the Web Board for revisions and additions to the Report from September 29, 2004 through delivery of the final Report on October 13, 2004.

Peer Review and public workshops on the 2005 South Florida Environmental Report will be held as follows:

DATES AND TIMES: September 21, 2004, 8:30 a.m. – 5:00 p.m.; September 22, 2004, 8:30 a.m. – 5:00 p.m.; September 23, 2004, 8:30 a.m. – 12:00 p.m. (panel working session)

PLACE: Hilton Palm Beach Airport, Ballroom (Salon A-B), 150 Australian Avenue, West Palm Beach, Florida 33406

For information regarding this review, please write: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680 or call Garth Redfield, (561)682-6611.

For assistance in obtaining computer access to this review, please write: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680 or call Trudy Morris, (561)682-6569.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this review is asked to advise the agency when access to the Web Board is needed by contacting: Garth Redfield, (561)682-6611. If you are hearing or speech impaired, please contact the agency by calling (561)697-2574.

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

DATE AND TIME: Tuesday, September 7, 2004, 2:00 p.m. – completed

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

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 District Website (<http://www.sfwmd.gov/agenda.html>) or by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)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, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130 West Palm Beach, FL 33406, (561)682-6371.

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

DATE AND TIME: September 7, 2002, 5:15 p.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment, vote on the FY04/05 millage rates and budget.

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

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

Those who desire more information may contact: Garrett Wallace, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2004, 2:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306. The Regional Business Alliance is comprised of business leaders from Monroe, Miami-Dade, Broward, Palm Beach and Martin Counties, including members of the South Florida Regional Planning Council and Tri-County Commuter Rail Authority.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above.

If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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

DATES AND TIMES: September 21, 2004, 8:30 a.m. – 5:00 p.m.; September 22, 2004, 8:30 a.m. – 5:00 p.m.; September 23, 2004, 8:30 a.m. – 12:00 p.m. (Panel Working Session)

PLACE: Hilton Palm Beach Airport, Ballroom (Salon A-B), 150 Australian Avenue, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2005 South Florida Environmental Report – Peer Review and Public Workshops.

A copy of the agenda may be obtained at the District Website (<http://www.sfwmd.gov/org/ema/everglades>) or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

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

Those who want more information, please contact Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

LAND AND WATER ADJUDICATORY COMMISSION

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

DATE AND TIME: September 8, 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 42WW-1, F.A.C., Coastal Lake Community Development District. Proposed rule Chapter 42WW-1, F.A.C., which addresses the establishment, boundaries, and board of supervisors of the Coastal Lake Community Development District, was published in the Florida Administrative Weekly on August 6, 2004 (Vol. 30, No. 32).

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.

DEPARTMENT OF VETERANS' AFFAIRS

The Florida **Commission on Veterans' Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 30, 2004, 1:00 p.m.

PLACE: Knott Building, W. St. Augustine St., Room 116, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Nancy Schiellerd, Florida Department of Veterans' Affairs,

4040 Esplanade Way, Suite 180, Tallahassee, Florida 32399-7016, (850)487-1533, at least 48 hours prior to the meeting.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a meeting to which all persons are invited.

Alzheimer's Disease Advisory Committee

DATE AND TIME: September 2, 2004, 1:15 p.m. – 5:00 p.m.

PLACE: InterContinental Hotel, 100 Chopin Plaza, Miami, Florida, (305)577-1000

CONTACT: Arkeba Bouie, (850)414-2339

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss various issues regarding the Alzheimer's Disease Initiative.

For more information, please contact: Florida Department of Elder Affairs, (850)414-2000.

Note: Pursuant to the provisions of the American with Disabilities Act, any persons requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Arkeba Bouie, (850)414-2339. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a teleconference meeting of the Public Information and Communications Work Group of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

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

PLACE: Anyone interested in participating may telephone (850)921-6623, Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at www.fdhc.state.fl.us/dhit/index.shtml seven (7) days prior to the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

The Real Choice Partnership Project of the Americans with Disabilities Act Working Group, which is administered by the **Department of Management Services** announces a meeting of the Consumer Task Force and a joint Public Hearing with the Governor's Blue Ribbon Task Force on Transition to which all interested persons are invited.

MEETING

DATES AND TIMES: September 14, 2004, 9:00 a.m. – 5:00 p.m.; September 15, 2004, 9:00 a.m. – 12:00 Noon

JOINT PUBLIC HEARING

DATE AND TIME: September 14, 2004, 6:00 p.m. – 8:00 p.m.

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: To facilitate the mission of the Real Choice Partnership Grant Project and the Governor's Blue Ribbon Task Force on Transition.

A copy of the Consumer Task Force meeting agenda may be obtained by writing or calling: Americans with Disabilities Act Working Group, Building 4050 Esplanade Way, Suite 160K, Tallahassee, Florida 32399-0950, (850)922-4103 (Voice), (850)922-4103 (TTY).

Should you require accommodations or materials in alternative formats, please contact: Stacia Woolverton, (850)922-4103 (Voice) or (850)922-4103 (TTY).

For additional information on the Governor's Blue Ribbon Task Force, please log onto: www.dcf.state.fl.us/apd/blue/index.shtml.

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 31, 2004, 9:00 a.m.

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:

Marie Elaine, Case No. 2004-001969

Armin Gale Design Group, Case No. 2004-003330

Armin Gale Design Group, Case No. 2003-091389

Armin Bechtold, Case No. 2004-016339

Therese Bickford, Case No. 2004-003314

Nunzie Burzo, Case No. 2004-023490

Patricia Dantos, Case No. 2004-018000

Pascale Duwat, Case No. 2003-094635

First Impression Design and Management, Inc., Case No. 2004-011721

Stacie Goldman, Case No. 2004-002097

Kreiss Collection, Case No. 2004-002015
 Oxford Maison Corporation, Case No. 2004-028412
 Master Plan Drafting Service, Case No. 2004-007571
 MB Design Group, Case No. 2003-085929
 M&M Wall Coverings and Blinds, Case No. 2004-029361
 Bryan Molyet, Case No. 2003-083518
 Monaco Interiors, Case No. 2004-018226
 Pineapple Nook, Inc., Case No. 2004-007547
 Charles Pereira, Case No. 2004-010139
 Jennifer Post, Case No. 2004-011688
 Pylon Group, Case No. 2003-044645
 Michael Richardson, Case No. 2001-09057
 Eduardo Rousell, Case No. 2004-009209
 Cathy Schleiffarth, Case No. 2004-00348
 Swoosh Design, Inc., Case No. 2004-003321
 Jane Xiques, Case No. 2004-011764
 John Zonata, Case No. 2003-070899
 PLACE: Smith, Thompson, Shaw & Manausa, P.A., 2075
 Centre Pointe Boulevard, Tallahassee, Florida 32308

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: 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: August 24, 2004, 9:00 a.m. and 10:00 a.m. or soon thereafter

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

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

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

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

The Florida **Board of Landscape Architecture** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: August 31, 2004, 9:00 a.m.

PLACE: Access Phone No.: (850)414-5775, Suncom 994-5775, Toll Free 1(888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited:

DATE AND TIME: Friday, August 27, 2004, 10:00 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, Conference Call Number 1(800)659-1025

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

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 Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Wednesday, September 8, 2004, 8:30 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review cases for probable cause and time permitting application review.

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 of the Educational Advisory and Application Review Committees to which all persons are invited:

DATE AND TIME: Tuesday, September 21, 2004, 9:00 a.m. – conclusion of the meeting

PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants, including any old or new business of other committees or 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 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 business of the Board, including committee business which all persons are invited:

DATES AND TIME: Wednesday, September 22, 2004, 8:30 a.m.; continuing Thursday, September 23, 2004, 8:30 a.m., if the business of the Board is not concluded

PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, Florida

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 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 **Board of Professional Geologists** announces a General Business Meeting by telephone conference call, to which all interested parties are invited.

DATE AND TIME: September 1, 2004, 1:00 p.m.

PLACE: Meet-Me-Number (850)488-8295, Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct General Business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Tuesday August 31, 2004.

The **Board of Professional Geologists** announces a General Business Meeting, to which all interested parties are invited to attend.

DATES AND TIMES: October 20, 2004, 1:00 p.m.; October 21, 2004, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct General Business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Tuesday, October 19, 2004.

The **Board of Professional Surveyors and Mappers** announces a General Business meeting of the Board to which all persons are invited.

DATE AND TIME: September 2, 2004, 10:00 a.m. or soon thereafter

PLACE: The meeting will be conducted by telephone conference call at (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or calling John Knap, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: John Knap, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: September 28, 2004, 8:00 a.m.

PLACE: The Colony, 155 Hammon Avenue, Palm Beach, FL 33480, (561)655-5430

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-7154, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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 **Workgroup on Mammography Accessibility** announces public meetings and conference calls to which all persons are invited.

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: Tuesday, September 21, 2004, 4:00 p.m. – conclusion

PLACE: Call Toll Free 1(800)351-6801, To access conference, use code SB2306

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: Tuesday, October 19, 2004, 4:00 p.m. – conclusion

PLACE: Call Toll Free 1(800)351-6801, To access conference, use code SB2306

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: Tuesday, November 16, 2004, 4:00 p.m. – conclusion

PLACE: Call Toll Free 1(800)351-6801, To access conference, use code SB2306

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

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).

GENERAL SUBJECT MATTERS 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 **Department of Health, Division of Medical Quality Assurance** hereby gives notice of an additional public hearing on Proposed Rules 64B-5, F.A.C., Continuing Education, governing electronic continuing education tracking to which all interested persons are invited to participate. The rules were originally published in Vol. 30, No. 30, of the Florida Administrative Weekly on July 23, 2004.

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

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

All information and comments received at the public hearing held on August 10, 2004 will not need to be presented again as they are already a matter of record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Knepton, Department of Health, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399
Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Jim Knepton at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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 hearing, 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 **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, September 3, 2004, 12:00 Noon or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants, Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: September 2, 2004, 3:00 p.m. – 6:00 p.m.

PLACE: Call (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Dentistry** announces a meeting of the Dentistry Examination Committee to be held via telephone conference call. All interested parties are invited to participate in the telephone conference call, which is open to the public.

DATE AND TIME: August 31, 2004, 6:00 p.m. – 8:00 p.m.

PLACE: Telephone Number, (850)410-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Concerning Dentistry Examination Committee.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Northwest Florida Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2A announce a meeting to which all persons are invited. The Alliance encompasses: Bay, Gulf, Washington, Holmes, Calhoun, and Jackson counties.

DATE AND TIME: Thursday, September 1, 2004, 2:00 p.m. (CST)

PLACE: W. T. Neal Civic Center, 17773 North Pear Street, Blountstown, FL 32424, (850)674-4500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General quarterly meeting to discuss child welfare for Subdistrict 2A.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Family Services, (850)922-0408, Suncom 292-0408.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Anissa Pitti) at least 2 working days prior to the meeting at (850)922-0408 or 1(800)226-6223 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a telephonic meeting of the Board of Directors to which all interested parties are invited:

DATE AND TIME: August 27, 2004, 9:00 a.m. – adjourned

PLACE: Telephonic Meeting, Call In Numbers: In Tallahassee (850)414-5775, Toll Free Outside of Tallahassee 1(888)461-8118, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and approve or deny actions taken at the Board Meeting held on July 30, 2004, in Jacksonville, Florida.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney at the Florida Housing Finance Corporation, (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).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend:

DATES AND TIME: Friday, September 3, 2004, 2:00 p.m., Eastern Time; Wednesday, September 15, 2004, 2:00 p.m., Eastern Time

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Qualifications #2004-01 for Inclusion Within a Limited Pool of Purchasers to Purchase Properties.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning dolphin-wahoo, to which all interested persons are invited:

DATE AND TIME: September 7, 2004, 6:30 p.m. – 9:00 p.m.

PLACE: Key Largo Library, 101485 Overseas Highway MM 101.4 (Trade Wind Shopping Center), Key Largo, FL 33037

DATE AND TIME: September 8, 2004, 6:30 p.m. – 9:00 p.m.

PLACE: IGFA, Fishing Hall of Fame, 300 Gulf Stream Way, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to consider adoption of the recently approved federal regulations for dolphin and wahoo, and whether to designate these two species as restricted species. The federal regulations being considered include: a 20 inch minimum size limit on all Atlantic Coast harvesters; a recreational bag limit of two wahoo; and a commercial daily vessel limit of 500 pounds of wahoo; a requirement for commercial vessels to have a federal permit in addition to a Saltwater Products License with restricted species endorsement.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

INDIAN RIVER COMMUNITY COLLEGE

The **Indian River Community College**, Criminal Justice Training Institute announce a public meeting for the Region XI Training Council, to which the public is invited.

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

PLACE: Indian River Community College, Indian River Academy, 5900 Tedder Road, Fort Pierce, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive information gathered at the August Stat Commission meeting, provide update on training classes, and any other issues involving the region.

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Sta. 768.28 and 163.01, announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, September 10, 2004, 9:30 a.m.; Saturday, September 11, 2004, 9:00 a.m.

PLACE: Key West Hilton, 245 Front Street, Key West, Florida, (305)294-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Petition for Declaratory Statement received from Tamtech Services, Inc. on May 11, 2004, has been withdrawn. Notice of receipt of this petition, which was assigned the number of DCA04-DEC-108, appeared in the May 21, 2004, edition of the Florida Administrative Weekly.

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

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Wildlife Conservation Commission has issued a Declaratory Statement in response to the petition for Declaratory Statement received on May 10, 2004 from the Save The Manatee Club, Inc., which receipt was advertised in the Florida Administrative Weekly on May 21, 2004. The petition addressed Section 370.12(2)(t), Florida Statutes (2003), and the application of Section 120.52(2), Florida Statutes (2003) to Section 370.12(2)(t) 1., Florida Statutes (2003).

A copy of the Declaratory Statement may be obtained by writing: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of LANDSCAPE ARCHITECTURE will be required for the project listed below:

ITN 05L-201, Ficke Gardens at the University of Florida. The project consists of professional design of a "Country Garden", possibly meditative in nature, on approximately 2.8 acres adjacent to the Baughman Center on the University of Florida campus, Gainesville, FL. The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$500,000, 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," the latest project specific version available from the website: www.purchasing.ufl.edu. 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 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. The plans and specifications for the University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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, project information, selection criteria, and instructions for registering as an applicant can be found at the Purchasing and Disbursement Services website.

Submittals must be received in the Purchasing and Disbursement Services office by 3:00 p.m. local time, on Friday, September 10, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

Purchasing and Disbursement Services

ATTN: A. J. Sontag

Room 102 Elmore Hall/ P. O. Box 115250

Gainesville, FL 32611-5250

Telephone: (352)392-1331

Fax: (352)392-8837

Internet: www.purchasing.ufl.edu

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: FS-265

Project and Location: Wildwood Halls
Florida State University
Tallahassee, Florida

The project consists of the construction of a new residence hall facility which will provide approximately 691 beds in a suite-style arrangement. This facility will be located off Wildwood Drive. The selected firm will provide design, construction documents and administration for the referenced project which is budgeted at approximately \$29,700,000.00 for construction.

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 the development of a Guaranteed Maximum Price (GMP) at the 50% Construction Document phase. 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). 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 qualification of the firm's personnel, staff and consultants. Finalists will be provided with any related 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.

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 form and the Project Fact Sheet may be obtained on line 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: Lisa Durham, Senior Project Manager, at the address and phone listed above. Five bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Design and Construction Office by 2:00 p.m., local time, on Wednesday, September 22, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURE-ENGINEERING

The Florida School for the Deaf and the Blind (FSDB) announces that professional services are required for the project listed below.

PROJECT NUMBER: FSDB-20050008

PROJECT NAME: Renovate Gibbs Hall, Building #32

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084-2799.

SERVICES TO BE PROVIDED: Architectural and engineering services including, but not limited to: structural, mechanical and electrical design work for the complete preparation of construction documents necessary for renovations to a 19,454 sf, 2-story masonry classroom building for the visually impaired. Renovations will include a complete HVAC system retrofit, upgrades for ADA compliance, new fire alarm and door security system, installation of fire sprinkler system, update of electrical service distribution panels, and installation of emergency messaging system. Project will also include a new addition housing six classrooms. Basic construction administrative services will be required.

CONSTRUCTION BUDGET: \$3,000,000

FSDB PROJECT MANAGER: Lloyd Jenkins

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE: September 17, 2004, no later than 3:00 p.m.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Firms must be properly registered at the time of application to practice their profession in the State of Florida. 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 are advised that plans and specifications for A/E projects may be reused.

Applications are to be sent or delivered to the Florida School for the Deaf and the Blind, Attn: Mr. John Connor, Purchasing Director, 207 N. San Marco Ave., Building #28 Stores/Receiving, St. Augustine, FL 32084-2799.

Applicants will be short-listed on September 24, 2004. Following the short-list selection, a pre-interview workshop will be held on October 5, 2004 for all short-listed firms. Interviews will be conducted on October 19, 2004. A final selection will be made after the interviews have taken place.

Selections will be made in accordance with Section 287.055, Florida Statutes. 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 #28 Stores/Receiving, 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.

NOTICE TO DESIGN/BUILD FIRMS

Duval County Public Schools
Request for Qualifications (RFQ)
FOR

Selection of the Architect/Engineer
On the Basis of Qualifications

The Office of Facilities Design and Construction announces that Professional services are required for the project districtwide prototype elementary school. Applications are to be sent to:

David E. Shultz
Duval County Public Schools
Facilities Design and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT NO.: C-90980/C-91060

PROJECT NAME: New Elementary School "A" No. 150 (New Berlin/Cedar Point)

New Elementary School "B" No. 142 (Crystal Springs/Westside)

PROJECT LOCATION: Duval County Public Schools District, Jacksonville, FL

PROJECT BUDGET: \$10,800,000 to \$11,355,000 per school

SERVICES TO BE PROVIDED: Professional services include architectural and engineering for a new prototype elementary school for 830 total student stations. An existing prototype that can be modified to meet Duval County Education Specifications, Design Guidelines and other design criteria may be considered by the selection committee. If presenting a reuse plan of an existing school, please indicate so in the letter of interest; giving details of construction costs, location, contact person at that school district, and any other pertinent information. This project shall meet the SMART school state standards and may be used as a prototype for future district wide elementary school sites.

Proposed Construction Start Date: May 1, 2005

Proposed Occupancy Date: July 1, 2006

DCPS PROJECT MANAGER: David E. Shultz

PHONE NO.: (904)390-2279

RESPONSE DUE DATE: SEPTEMBER 21, 2004 AND WILL BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS PER SCHOOL: New Elementary School "A" No. 150 (New Berlin/Cedar Point) 6% AA, 4% HANA, 5% WBE

New Elementary School "B" No. 142 (Crystal Springs/Westside) 6% AA, 4% HANA, 5% WBE

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Architect/Engineer.

Applicants are advised that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the District.

Notice of Request for Proposal

The Monroe County School Readiness Coalition, Inc. announces the following Request for Proposal (RFP) to which all persons are invited to bid:

TIME: RFP available August 20, 2004

PLACE: Monroe County, Florida

PURPOSE: The Monroe County School Readiness Coalition will be soliciting proposals to contract with an organization or agency to provide the child care resource and referral services and inclusion services pursuant to Section 402.27, Florida Statutes, in the service delivery area of Monroe County, Florida for the period of October 1, 2004-June 30, 2005. Services will be funded through federal and state allocations. Services provided must conform to the Child Care Resource and Referral Network, Standard Levels of Service, revised July 7, 2004, Florida Children's Forum.

A single agency or multi-agency collaboration with a lead agency is encouraged to submit a proposal. The Request for Proposal will be available for distribution on August 20, 2004. The deadline for Notice of Intent to Submit an Application is August 27, 2004. Applications must be received by September 15, 2004. Successful bidder's contract begins October 1, 2004. Please write to the Monroe County School Readiness Coalition, 818 White St., Suite 2, Key West, FL 33040 or e-mail: MCSRCToLearn@aol.com for more information or to be sent a copy of the RFP. The RFP may also be picked up at the Coalition Address in Key West.

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 PLANNING COUNCILS

**** NOTICE OF CORRECTION ****

FIRST NOTICE

REQUEST FOR PROPOSALS

“Comprehensive Analysis of Ambient
Surface and Groundwater Quality Data
for the greater Charlotte Harbor watershed”

Proposals for this service must be received by the Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, by 5:00 p.m. (local time), Friday, October 29, 2004. The Charlotte Harbor National Estuary Program (NEP) reserves the right to reject any or all proposals.

Scope of Service: Water quality data in many areas within the Charlotte Harbor area have not been analyzed on a comprehensive or consistent basis. Many government agencies and citizen groups have the resources to collect water quality data but then often fail to analyze the resulting data and/or make it accessible to the public or resource managers. The objective of this project is to compile and analyze water quality data that have been collected through mid 2005 and compare them to previous trends in water quality for the water bodies within the Charlotte Harbor NEP study area. This project will entail compilation and status and trends analyses of all surface and groundwater quality data within the Charlotte Harbor NEP study area collected and analyzed under institutionalized standard operating procedures, including the Coastal Charlotte Harbor Monitoring Network – a probabilistic designed program initiated in April 2001. Data for numerous biological, field and chemical analytes will be compiled from the Charlotte Harbor NEP, agencies and STORET, analyzed and synthesized into both a hard copy and CD-format report. The final report will analyze these water quality parameters collected through mid 2005 for the subbasins of the Charlotte Harbor NEP and compare the results to previous analyses to provide a long-term description of the water quality within each subbasin. If trends are determined within a water body for a specific analyte, the time frame for that trend will also be determined. Detailed interpretation of the findings by subbasin and potential causes of trends will be included within the final report. This report is an update and follow-up analysis to the “Water Quality Data Analysis and Report for the Charlotte Harbor National Estuary Program” by Janicki Environmental, Inc in 2003 (available from the Charlotte Harbor NEP).

INVITATION TO PROPOSE: The program hereby solicits proposals for the project “Comprehensive Analysis of Ambient Surface and Groundwater Quality Data for the Charlotte Harbor watershed.” The Program anticipates awarding only one contract. The Program reserves the right to reject any or all proposals. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION: All requests for information, instructions and applications for submitting a proposal must be submitted in writing: Ms. Catherine Corbett, Senior Scientist, Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, Fax (239)656-7724 (or (239)338-2560 after mid September), e-mail: ccorbett@swfrpc.org. All requests for clarification or for additional information on the RFP must be submitted in writing to same by no later than 5:00 p.m., Friday, September 10, 2004.

HOW TO APPLY: A Request for Proposals document may be obtained by contacting, in writing: Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, Fax (239)656-7724 (or 239-338-2560 after mid September), e-mail: ccorbett@swfrpc.org. All requests for clarification or additional information on the RFP must be submitted in writing to same by no later than 5:00 p.m., Friday, September 10, 2004. Proposals must then be received by the Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, by 5:00 p.m. (local time), Friday, October 29, 2004.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION
MANAGEMENT SERVICES FOR
CONTINUING AREA CONTRACTS AREA 1

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from construction management firms to provide services in Area 1, counties of Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington; and other counties as may be determined necessary by the owner.

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Facilities Management and Building Construction.”
http://fcn.state.fl.us/owa_vbs/ora/vbs_www.main_menu

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.”

FLORIDA HOUSING FINANCE CORPORATION

Invitation to Negotiate

2004-02 Affordable Housing Catalyst Program Services

The Florida Housing Finance Corporation (Florida Housing) invites all qualified and interested parties wishing to provide Affordable Housing Catalyst Program Services, funding through the State Housing Trust Fund, to submit proposals for consideration.

Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Daylight Time, Friday, September 17, 2004 to the attention of Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham, (850)488-4197, e-mail: robin.grantham@floridahousing.org.

To obtain a copy of the Invitation to Negotiate, which outlines selection criteria and offeror’s responsibilities, please submit requests to the attention of Robin Grantham, or you can download the Invitation to Negotiate from the Florida Housing web site at <http://www.floridahousing.org/ViewPage.aspx?page=77>. Any modifications that occur to the Invitation to Negotiate will be posted at the web site and may result in an extension of the deadline.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Order No. DCA04-OR-148

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 04-07

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On July 1, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-07 which was adopted by the Village Council on June 24th, 2004 (“Ord. 04-07”). The purpose of Ord. 04-07 is to establish a moratorium on the conversion of existing transient dwelling units/uses into non-transient dwelling units for one year or until the Village adopts comprehensive plan amendments and land development regulations addressing this issue.

3. Ord. 04-07 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 04-07 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. (2003). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 04-07 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

9. Ord. 04-07 is not inconsistent with the remaining Principles. Ord. 04-07 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-07 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 4th day of August, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

John Herin, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2665 South Bayshore Drive
Miami, FL 33133

DCA Order No. DCA04-OR-149

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 04-08

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On July 1, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-08 which was adopted by the Village Council on June 24th, 2004 ("Ord. 04-08"). The purpose of Ord. 04-08 is to amend the "Definitions" and "Formula Retail Establishments" sections of the Village Code to clarify the scope and application of the exemption from the "Formula Retail" regulations for professional services.

3. Ord. 04-08 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 04-08 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the

"Principles") as set forth in § 380.0552(7), Fla. Stat. (2003). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 04-08 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

9. Ord. 04-08 is not inconsistent with the remaining Principles. Ord. 04-08 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-08 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR

YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 4th day of August, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor
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John Herin, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2665 South Bayshore Drive
Miami, FL 33133

NOTICE OF PROJECT APPROVAL AND FUNDING

The Florida Communities Trust (Trust) has approved funding applications submitted under the Florida Communities Trust Florida Forever Program, Series FF3 funding cycle. On October 2-3, 2003 applications were scored, ranked and selected for funding according to the criteria and procedures set forth in Rule Chapter 9K-7, F.A.C. At the time of the Board meeting, the following projects were not selected for funding; however, since that time, funding has become available and the projects are now selected for funding.

In accordance with Rule 9K-7.009, F.A.C., the projects are considered to have received approval for funding. The funds awarded derive from the sale of Florida Forever bonds. Those applications approved for funding and the amount of funding approved are listed below. The approval is subject to appeal and may change following the appeals process. For this reason, final approval of awards cannot be made until any appeals have been resolved.

The following projects were approved for funding with funds currently available:

Selected/Funded

Project No.	Project Name	Applicant	Amount
03-053-FF3	Yates Creek	Taylor County	\$2,502,000.00
03-066-FF3	Marianna Performing Arts Park	City of Marianna	\$600,000.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Mod Cycles Corp., intends to allow the establishment of Jude's Cycle Service, as a dealership for the sale of Yumbo motorcycles, at 3038 North John Young Parkway, Unit #2, Orlando, (Orange County), Florida 32804, on or after August 4, 2004.

The name and address of the dealer operator and principal investor of Jude's Cycle Service is: Ms. Jude A. Mitchell, 3038 North Young Parkway, Unit #2, Orlando, Florida 32804.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Roberto Orenstein, Sales Manager, Mod Cycles Corp., 7547 N. W. 52nd Street, Miami, Florida 33166.

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."

WATER MANAGEMENT DISTRICTS

Notice of Availability of Grant Funds

The Northwest Florida Water Management District (District) announces the availability of funds under its Florida Forever Competitive Grant Program for capital improvement projects meeting the objectives of The Florida Forever Act (Section 259.105, Florida Statutes) and the Florida Forever Water Management District Work Plan (Section 373.199, Florida Statutes).

The goal of this grant program is to support water resource management efforts that improve water quality, in particular, but also those that implement stormwater improvements, restore natural systems, demonstrate best management practices (BMPs), implement water reuse, or provide flood protection. Project proposals should clearly demonstrate water resource value.

The District seeks proposals from government entities within the jurisdiction of the Northwest Florida Water Management District's 16-county area for cooperative or cost-share capital improvement projects that can be completed within one year of grant agreement execution. Applications must be received at District Headquarters by 3:00 p.m., EDT on Monday, September 20, 2004.

The full text of this notice, the application form, and additional information can be found on the District's homepage at <http://www.state.fl.us/nwfwmd/> under the link titled "Florida Forever Capital Improvement Grants." Printed or electronic copies (on CD) of the application form and grant program information are available upon request. For more information call Paul Thorpe at (850)539-5999 or 1(800)913-1518.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
LETTERS OF INTENT**

The Agency for Health Care Administration received and accepted the following letters of intent for the September 8, 2004 application filing date for Hospital Beds and Facilities batching cycle:

County: Escambia	District: 1	County: Volusia	District: 4
Date Filed: 8/6/2004	LOI #: H0408001	Date Filed: 8/6/2004	LOI #: H0408006
Facility/Project: Select Specialty Hospital – Escambia, Inc.		Facility/Project: Florida Hospital Ormond Memorial	
Applicant: Select Specialty Hospital – Escambia, Inc.		Applicant: Memorial Health Systems, Inc.	
Project Description: Establish long-term care hospital of up to 60 beds		Project Description: Construct a replacement hospital	
County: Levy	District: 3	County: Pinellas	District: 5
Date Filed: 8/4/2004	LOI #: H0408002	Date Filed: 8/9/2004	LOI #: H0408007
Facility/Project: Tri-County Hospital, LLC		Facility/Project: BayCare Long Term Acute Care, Inc.	
Applicant: Tri-County Hospital, LLC		Applicant: BayCare Long Term Acute Care, Inc.	
Project Description: Establish a 32-bed acute care hospital		Project Description: Establish a long-term care hospital of up to 100 beds	
County: Marion	District: 3	County: Seminole	District: 7
Date Filed: 8/6/2004	LOI #: H0408003	Date Filed: 8/9/2004	LOI #: H0408008
Facility/Project: Ten Broeck Central Florida, Inc.		Facility/Project: Central Florida Regional Hospital, Inc.	
Applicant: Ten Broeck Central Florida, Inc.		Applicant: Central Florida Regional Hospital, Inc.	
Project Description: Establish a five-bed adult substance abuse hospital		Project Description: Establish an acute care hospital of up to 120 beds	
County: Alachua	District: 3	County: Orange	District: 7
Date Filed: 8/6/2004	LOI #: H0408004	Date Filed: 8/6/2004	LOI #: H0408009
Facility/Project: Select Specialty Hospital – Alachua, Inc.		Facility/Project: Winter Park Memorial Hospital	
Applicant: Select Specialty Hospital – Alachua, Inc.		Applicant: Adventist Health System/Sunbelt, Inc.	
Project Description: Establish long-term care hospital of up to 44 beds		Project Description: Add up to 20 comprehensive medical rehabilitation beds	
County: Volusia	District: 4	County: Osceola	District: 7
Date Filed: 8/6/2004	LOI #: H0408005	Date Filed: 8/6/2004	LOI #: H0408010
Facility/Project: Florida Hospital Ormond Memorial		Facility/Project: Ten Broeck Central Florida, Inc.	
Applicant: Memorial Health Systems, Inc.		Applicant: Ten Broeck Central Florida, Inc.	
Project Description: Construct a replacement hospital		Project Description: Establish an adult psychiatric hospital of up to 29 beds	
		County: Brevard	District: 7
		Date Filed: 8/6/2004	LOI #: H0408011
		Facility/Project: Ten Broeck Central Florida, Inc.	
		Applicant: Ten Broeck Central Florida, Inc.	
		Project Description: Establish an adult psychiatric hospital of up to 29 beds	
		County: Orange	District: 7
		Date Filed: 8/6/2004	LOI #: H0408012
		Facility/Project: Ten Broeck Central Florida, Inc.	
		Applicant: Ten Broeck Central Florida, Inc.	
		Project Description: Establish an adult psychiatric hospital of up to 29 beds	
		County: Seminole	District: 7
		Date Filed: 8/6/2004	LOI #: H0408013
		Facility/Project: Ten Broeck Central Florida, Inc.	
		Applicant: Ten Broeck Central Florida, Inc.	
		Project Description: Establish an adult psychiatric hospital of up to 29 beds	

County: Seminole District: 7
 Date Filed: 8/6/2004 LOI #: H0408014
 Facility/Project: Ten Broeck Central Florida, Inc.
 Applicant: Ten Broeck Central Florida, Inc.
 Project Description: Establish a child/adolescent psychiatric hospital of up to 67 beds

County: Orange District: 7
 Date Filed: 8/6/2004 LOI #: H0408015
 Facility/Project: Ten Broeck Central Florida, Inc.
 Applicant: Ten Broeck Central Florida, Inc.
 Project Description: Establish a child/adolescent psychiatric hospital of up to 67 beds

County: Brevard District: 7
 Date Filed: 8/6/2004 LOI #: H0408016
 Facility/Project: Ten Broeck Central Florida, Inc.
 Applicant: Ten Broeck Central Florida, Inc.
 Project Description: Establish a child/adolescent psychiatric hospital of up to 67 beds

County: Osceola District: 7
 Date Filed: 8/6/2004 LOI #: H0408017
 Facility/Project: Ten Broeck Central Florida, Inc.
 Applicant: Ten Broeck Central Florida, Inc.
 Project Description: Establish a child/adolescent psychiatric hospital of up to 67 beds

County: Sarasota District: 8
 Date Filed: 8/9/2004 LOI #: H0408018
 Facility/Project: Sarasota County Public Hospital Board
 Applicant: Sarasota County Public Hospital Board
 Project Description: Establish an acute care hospital of up to 160 beds through the transfer of up to 160 acute beds from Sarasota Memorial Hospital

County: Sarasota District: 8
 Date Filed: 8/6/2004 LOI #: H0408019
 Facility/Project: HealthSouth Rehabilitation Hospital of Sarasota
 Applicant: HealthSouth of Sarasota Limited Partnership
 Project Description: Construct a 76-bed replacement facility

County: St. Lucie District: 9
 Date Filed: 8/6/2004 LOI #: H0408020
 Facility/Project: Martin Memorial Medical Center, Inc.
 Applicant: Martin Memorial Medical Center, Inc.
 Project Description: Establish an acute care hospital of up to 80 beds

County: Palm Beach District: 9
 Date Filed: 8/6/2004 LOI #: H0408021
 Facility/Project: Wellington Regional Medical Center, Inc.
 Applicant: Wellington Regional Medical Center, Inc.
 Project Description: Establish a Level III NICU of up to 15 beds

County: Palm Beach District: 9
 Date Filed: 8/6/2004 LOI #: H0408022
 Facility/Project: Select Specialty Hospital – Palm Beach, Inc.
 Applicant: Select Specialty Hospital – Palm Beach, Inc.
 Project Description: Establish a long-term care hospital of up to 60 beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 13, 2004, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 24, 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

On August 11, 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 Carlos Alberto Nazir, M.D., license number ME 38452. 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 August 10, 2004, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Angela Inman, L.P.N., license number PN 1229131. 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 August 10, 2004, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Sandra Kelly, CNA, license number CNA 0784*****3339. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida, 32399-0379, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 10, 2004):

APPLICATION FOR A

NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: County Community Bank of South Florida, 801 NE 167th Street, 1st Floor, North Miami Beach, Florida 33162

Correspondent: Roger M. Gordon, 14020 North Miami Avenue, Miami, Florida 33168

Received: August 9, 2004

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.dbf.state.fl.us/banking/cu_expansion.html.

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Eckerd Credit Union, Post Office Box 4689, Clearwater, Florida 33758

Expansion Includes: Select Employee Group

Received: August 9, 2004

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Institutions and Securities Regulation, on March 6, 2003, issued a Notice of Intent to Enter a Final Order Approving Recovery from the Securities Guaranty Fund in Administrative Proceeding No. 3255-S-5/01 to Victor Verola, DOC #60981, Loxahatchee Correctional Institution, 230 Sunrise Road, West Palm Beach, FL 33411 and Edward Lee Bates, DOC #K60318, Quincy Annex, 2225 Pat Thomas Parkway, Quincy, FL 32351, Individually, Andrew Hicks, Registered Agent for Great American Financial Network, Inc., 3835 Mockingbird Drive, Vero Beach, FL 32963, and Great American Financial Network, Inc., CRD #14108, 3300 Holcomb Bridge Road, Suite 292, Norcross, GA 30092. Those persons whose substantial interests may be determined by this proceeding 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 petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk

Office of Financial Institutions
and Securities Regulation
Suite 526, Fletcher Building
200 East Gaines Street

Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN August 2, 2004
 and August 6, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
Florida International University

6C8-4.018	8/2/04	8/22/04	Newspaper	
6C8-6.010	8/2/04	8/22/04	Newspaper	
6C8-7.030	8/2/04	8/22/04	Newspaper	
6C8-11.005	8/2/04	8/22/04	Newspaper	

DEPARTMENT OF TRANSPORTATION

14-98.005	8/4/04	8/24/04	30/27	
14-98.008	8/4/04	8/24/04	30/27	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF MANAGEMENT SERVICES
Division of Purchasing

60A-1.001	8/2/04	8/22/04	30/22	30/27
60A-1.005	8/4/04	8/24/04	30/10	30/28
60A-1.006	8/2/04	8/22/04	30/17	30/25
60A-1.021	8/2/04	8/22/04	30/14	30/21

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Division of Florida Land Sales, Condominiums and Mobile Homes

61B-15.0012	8/6/04	8/26/04	30/21	
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FISH AND WILDLIFE CONSERVATION COMMISSION
Freshwater Fish and Wildlife

68A-12.007	8/2/04	8/22/04	30/24	30/31
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DEPARTMENT OF FINANCIAL SERVICES
Division of Treasury

69C-6.003	8/6/04	8/26/04	29/38	30/29
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