

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: Division of Cultural Affairs

RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule a new review committee and procedures for the Quarterly Assistance Program and the Underserved Arts Communities Assistance Program.

SUBJECT AREA TO BE ADDRESSED: The review, scoring, and funding recommendation process for the Quarterly Assistance Program and the Underserved Arts Communities Assistance Program.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b),(d), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.603, 265.605-.606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:00 a.m., Monday, September 27, 2004

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 21st day of September 2004, if you need an accommodation. Accommodations can be arranged through Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Gaylen Phillips, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Standards

RULE NO.: 5F-10.001

PURPOSE AND EFFECT: The purpose of Rule 5F-10.001, F.A.C., is to adopt the most recent version of the chemical and physical standards set forth in the American Society for Testing and Materials for antifreeze (engine coolant). The effect of each adoption is to maintain nationally recognized standards.

SUBJECT AREA TO BE ADDRESSED: Rule 5F-10.001, F.A.C., will specify that the most recent Annual Book of ASTM Standards is the accepted standard for implementation of Section 501.91, F.S.

SPECIFIC AUTHORITY: 570.07(23), 501.921 FS.

LAW IMPLEMENTED: 501.913, 501.917, 501.921 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., Monday, September 27, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-10.001 Standards.

(1) The performance specifications and standards for glycol base antifreeze are hereby incorporated by reference: ASTM D 3306-~~0304~~, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved September 10, 2003).

(2) The performance specifications and standards for recycled glycol base antifreeze are hereby incorporated by reference: ASTM D 6471-~~0399~~, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light Duty Service," (approved November 1, 2003) and ASTM D 6472-~~0300~~, "Standard Specification for Recycled Glycol Base Engine Coolant Concentrate for Automobile and Light Duty Service," (approved November 1, 2003).

Specific Authority 570.07(23), 501.921 FS. Law Implemented 501.913, 501.917, 501.921 FS. History--New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00, 10-22-01, 12-9-02, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE CHAPTER TITLE: Florida Agricultural Promotional Campaign
 RULE CHAPTER NO.: 5H-17

RULE TITLES: Participant Registration; Application Forms;
 RULE NOS.: 5H-17.005

Classes of Membership
 Renewal 5H-17.006

PURPOSE AND EFFECT: The purpose and effect is to allow the coordination of the Florida Agricultural Promotional Campaign. The duties shall include, but are not limited to registering participants, assessing and collecting fees, developing in-kind advertising programs, contracting with media representatives for the purpose of dispersing promotional materials, enforcing and administering the provisions of this part, including measures ensuring that only Florida agricultural or agricultural based products are marketed under the “Fresh From Florida” or “From Florida” logos or other logos of the Florida Agricultural Promotional Campaign.

SUBJECT AREA TO BE ADDRESSED: This rule allows for the revision of membership fees, the elimination of a tiered membership fee structure, the inclusion of license information to qualify as a retailer, food service or wholesaler member and the inclusion of a new membership category entitled “agricultural supporter”

SPECIFIC AUTHORITY: 570.21 FS.

LAW IMPLEMENTED: 570.21 1990 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.

SEND REQUEST FOR WORKSHOP TO: Florida Department of Agriculture and Consumer Services, Room, 422, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800

Any person requiring special accommodations because of a disability or physical impairment should contact: Arlette Roberge, Development Representative II, Division of Marketing and Development, Bureau of Development and Information, 407 S. Calhoun Street, Tallahassee, Florida 32399-00800.

If you are hearing or speech impaired, please contact: Department of Community Affairs, Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Arlette Roberge, Development Representative II, Division of Marketing and Development, Bureau of Development and Information, 407 S. Calhoun Street, Tallahassee, Florida 32399-00800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 5H-17 follows. See Florida Administrative Code for present text.)

5H-17.005 Participant Registration; Application Forms; Classes of Membership.

(1) Registration. To become an active member of the Campaign, the prospective participant must apply to the department on the appropriate form as referenced in subsection (2) of this rule, pay the appropriate fee, and agree to abide by the membership requirements as stated on the Florida Agricultural Promotional Campaign Application DACS-06203. Paid annual types of membership and fee structure for the Florida Agricultural will be consolidated into the following categories:

- (a) Producer
- (b) Packer
- (c) Repacker
- (d) Processor
- (e) Broker
- (f) Shipper
- (g) Industry
- (h) Association
- (i) Co-op
- (j) Organization
- (k) Agriculture Supporter
- (l) Other

(2) Application Forms. Prospective Campaign participants shall apply on one form: DACS-06203, and which may be obtained from the Division of Marketing, Mayo Building, Tallahassee, Florida 32399-0800. All paid membership fees will be \$50. There will not be a tiered membership rate system for shippers, packers, repackers or processors of any agricultural product. There will not be a \$100 rate for processors, non-profit or allied organizations.

(3) The non-paid types of membership will be consolidated into the following categories:

- (a) Retailer
- (b) Wholesaler
- (c) Food Service
- (d) Non-profit
- (e) Educational Organization
- (f) Governmental Organization.

A business license will be required to qualify for a non-paid membership.

(4) Saltwater products license holders will become members through the submission of a signed membership application and a journal transfer of \$50 for each business entity from the Fish and Wildlife Conservation Commission (FWCC) to the Florida Agricultural Promotional Campaign (FAPC) Trust fund.

(5) The types of agriculture industry will be eliminated from the form, as it is identified on a separate commodity query form.

(6) One application will be used for all participants.

Specific Authority 571.24(19), 571.25(2) FS. Law Implemented 571.25 FS. History—New 6-22-92, Amended 9-20-93, 12-12-93, _____.

5H-17.006 Renewal.

(1) All paid and non-paid memberships will require annual renewal on the anniversary date of their initial membership submission. Each registrant shall renew registration by July 1 of each year.

(2) The Department reserves the right to refuse registration to any person whose registration has been revoked.

(3) Registration to use the Identifiers is not transferable.

Specific Authority 571-25(2) FS. Law Implemented 571.25(1) FS. History—New 6-22-92, 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.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Licensure of Changes by Firms

RULE NO.: 61H1-26.004

PURPOSE AND EFFECT: The Board finds it necessary to require notification to the Board when any CPA or Non-CPA co-partner or shareholder within the firm is charged or found guilty of certain violations exhibiting conduct which shows a lack of good moral character.

SUBJECT AREA TO BE ADDRESSED: Licensure of Changes by Firms.

SPECIFIC AUTHORITY: 473.304, 473.3101 FS.

LAW IMPLEMENTED: 473.3101 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: John W. Johnson, Executive Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-26.004 Licensure of Changes by Firms.

(1) through (1)(e) No change.

(f) When the firm or any existing CPA or Non-CPA co-partner, shareholder or member has been the recipient of a conviction or finding of guilt, regardless of adjudication, of a crime in any jurisdiction; has been the subject of a judgment or settlements of a civil lawsuit (excluding domestic matters); has had the right to practice public accountancy acted against, including denial of licensure, by the Securities Exchange Commission (SEC), Internal Revenue Service (IRS), or any other regulatory agency or court; and any other matters which show a lack of good moral character as defined in Section 473.306(4)(a), F.S.

(2) through (3) No change.

Specific Authority 473.304, 473.3101 FS. Law Implemented 473.3101 FS. History—New 12-4-79, Amended 2-3-81, Formerly 21A-26.04, Amended 6-4-86, Formerly 21A-26.004, Amended 11-3-97, 7-16-98, 8-17-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: College or University Requirements

RULE NO.: 61H1-27.001

PURPOSE AND EFFECT: This rule is being amended to add Mexican academic programs that meet the criteria of this rule to the programs that are approved under this rule.

SUBJECT AREA TO BE ADDRESSED: College or University Requirements.

SPECIFIC AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 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: John W. Johnson, Executive Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-27.001 College or University Requirements.

(1) through (1)(g) No change.

(h) Canadian, Mexican and Australian academic accounting programs approved by the provincial education bodies or their equivalent.

(2) through subsection (5)(b) No change.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History--New 12-4-79, Amended 2-3-81, 3-21-84, 10-28-85, Formerly 21A-27.01, Amended 4-8-86, 9-1-87, 8-25-88, 12-28-89, 3-29-90, Formerly 21A-27.001, Amended 1-11-95, 5-11-03, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Experience for Licensure by Endorsement
 RULE NO.: 61H1-29.003
 PURPOSE AND EFFECT: This rule is being amended to clarify, pursuant to Section 473.308(4), F.S., the requirements to show experience qualifying a CPA for licensure by endorsement.

SUBJECT AREA TO BE ADDRESSED: Experience for Licensure by Endorsement.

SPECIFIC AUTHORITY: 473.304, 473.308 FS.

LAW IMPLEMENTED: 473.308 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: John W. Johnson, Executive Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-29.003 Experience for Licensure by Endorsement.
 Experience used to meet the requirements of Section 473.308(4), F.S., must include at least five years experience in the practice of public accounting while licensed after licensure as a Certified Public Accountant or Chartered Accountant in the practice of public accounting or as an auditor or accountant in a unit of federal, state, or local government. ~~In addition, the applicant must have practiced at least two years of the last three years immediately preceding application for licensure. The applicant shall, while licensed in another state, during those three years, complete continuing education required to be recognized to practice public accounting in the state, in public accountancy at least equivalent to that required in Florida during that period.~~

Specific Authority 473.304, 473.308 FS. Law Implemented 473.308 FS. History--New 4-24-88, Amended 6-12-88, Formerly 21A-29.003, Amended 2-12-98, 5-19-03, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Fees
 RULE NO.: 61H1-31.001

PURPOSE AND EFFECT: This rule is being amended to allow for on-line submission of forms and to clarify requirements, late fees and deadlines when filing by mail or online.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 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: John W. Johnson, Executive Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-31.001 Fees.

(1) through (4) No change.

(5) The biennial renewal fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S., one hundred fifty dollars (\$150.00). ~~The penalty for late renewal for partnerships, corporations, and limited liability companies shall be fifty dollars (\$50.00).~~ The biennial renewal fee provided in Section 473.305, F.S., for sole proprietor firms and other legal entities owned by a sole proprietor licensed in Section 473.3101, F.S., twenty-five (\$25.00). ~~The penalty for late renewal for sole proprietor firms and other legal entities owned by a sole proprietor shall be twenty-five dollars (\$25.00).~~

(6) through (9) No change.

(10) The scan sheet for the Laws and Rules Examination must be postmarked or completed on-line by or on December 31 July 15. No Laws and Rules Examination scan sheet will be accepted if it is postmarked or completed on-line after December 31.

(11) The CPE reporting form must be postmarked by or on July 15. If it is postmarked or completed on-line after July 15 but by or on December 31, a \$50 delinquency fee will be

imposed by the Board. No CPE reporting form will be accepted if it is postmarked or completed on-line after December 31.

(12) No change.

Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History—New 12-4-79, Amended 2-3-81, 3- 4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8- 30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02, 1-27-04,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Continuing Professional Education RULE NO.: 61H1-33.003

PURPOSE AND EFFECT: This rule is being amended to allow for on-line submission of requests for extensions to complete education requirements and to clarify the deadlines for submitting requests online.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

SPECIFIC AUTHORITY: 120.55(1)(a)4., 473.304, 473.312 FS.

LAW IMPLEMENTED: 473.312 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: John W. Johnson, Executive Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.003 Continuing Professional Education.

(1)(a) No change.

(b) Licensees who do not meet the requirements by June 30th will be granted an automatic extension until September 15th provided the licensee submits an additional 8 hours in Accounting and Auditing subjects. An automatic extension will be granted until December 1st provided the licensee submits an additional 16 hours in Accounting and Auditing subjects. Licensees utilizing the automatic extension must submit the required information postmarked or recorded on-line by September 15th or December 31st.

(2) through (7) No change.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312 FS. History—New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida State Boxing Commission

RULE CHAPTER TITLE: General Rules for Boxing, Kickboxing, and Mixed Martial Arts RULE CHAPTER NO.: 61K1-1

RULE TITLE: Approval, Disapproval, Suspension of Approval, and Revocation of Approval for Amateur Sanctioning Organizations in Boxing and Kickboxing RULE NO.: 61K1-1.0031

PURPOSE AND EFFECT: Pursuant to Section 548.006(3), F.S., the Florida State Boxing Commission has exclusive jurisdiction over the approval, disapproval, suspension or approval, and revocation of approval of all amateur sanctioning organizations for amateur boxing and kickboxing matches held in Florida. In order to conform to amendments made to Chapter 548, F.S., in Legislative Session 2004, the development of additional boxing rules under Chapter 548, F.S., is necessary.

SUBJECT AREA TO BE DISCUSSED: The development of rules to establish criteria for approval, disapproval, suspension of approval, and revocation of approval of amateur sanctioning organizations in Florida.

SPECIFIC AUTHORITY: 548.003(2) FS.

LAW IMPLEMENTED: Chapter 548 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kelly Harris, The Florida State Boxing Commission, 725 S. Bronough Street, Suite 240, Tallahassee, Florida 32399, (850)488-8500

If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61K1-1.0031 Approval, Disapproval, Suspension of Approval, and Revocation of Approval for Amateur Sanctioning Organizations in Boxing and Kickboxing.

(1) Criteria for Approval.

An amateur sanctioning organization seeking approval from the Florida State Boxing Commission to sanction and supervise matches involving amateur boxers or kickboxers shall meet certain criteria as conditions of approval as follows:

(a) For amateur boxing, a statement of agreement to adopt and enforce the health and safety standards of USA Boxing as provided in the Official USA Boxing Rulebook as of June 1, 2004.

(b) For amateur kickboxing, a statement of agreement to adopt and enforce the health and safety standards of the International Sport Kickboxing Association (ISKA) as provided in the ISKA Rules as of June 1, 2004.

(c) A statement of agreement to adopt and enforce a requirement to have all amateurs participating in a match sanctioned and supervised by the amateur sanctioning organization undergo a pre-match physical examination by a physician approved by the amateur sanctioning organization.

(d) A statement of agreement that the organization will not hold, promote, or sponsor a match prohibited under Chapter 548, Florida Statutes, including, but not limited to, an amateur mixed martial arts match in Florida.

(e) A statement of agreement to adopt and enforce a requirement to, at a minimum, notify a local ambulance service with a minimum of two qualified attendants, either paramedics or emergency medical technicians, with the date and time of the amateur event for the purpose of either requesting the ambulance service acknowledge an "on-call" status relative to the amateur event or requesting the ambulance service be assigned to the premises of the matches whereupon the following requirements shall be enforced:

1. Ambulance attendants shall be stationed at a location determined by the amateur sanctioning organization's chief official or supervisor-in-charge at the event;

2. A portable resuscitator with all additional equipment necessary for its operation shall be in a state of readiness and located along with the ambulance attendants;

3. A clean stretcher and clean blanket shall be located along with the ambulance attendants; and

4. A portable supply of oxygen shall be located at an easily accessible location at ringside.

(f) No match shall begin or continue unless the appropriate medical equipment and personnel are on the premises, in a state of readiness, and in a pre-designated and readily accessible location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning organization. Whenever an ambulance service is "on-call" as it pertains to an amateur event, an oxygen supply with its necessary equipment for proper administration shall be stationed at ringside at a location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning organization.

(g) A physician approved by an amateur sanctioning organization shall be licensed to practice medicine in Florida pursuant to Sections 458 or 459, Florida Statutes. The physician shall be capable of initiating life-saving procedures and required to demonstrate experience in sports medicine, trauma, neurology, or as a ringside physician.

(h) A minimum of one physician approved by the amateur sanctioning organization shall be seated ringside whenever boxing or kickboxing activity is occurring. In situations where more than one ring is assembled and utilized simultaneously with the other, a minimum of one physician shall be seated ringside at each ring where boxing or kickboxing competitions are being held.

1. In the event of injury or illness of any person registered with the amateur sanctioning organization, a registered physician shall have complete charge of such person, shall provide medical assistance, and shall be accorded the full cooperation of all amateur sanctioning organization officials present.

2. Physicians shall not leave the premises until after the final match has been conducted, all amateurs participating have been cleared by the physician(s), and the chief official or supervisor-in-charge of the amateur sanctioning organization has cleared the physician to leave.

(i) For amateur boxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by USA Boxing.

(j) For amateur kickboxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by the International Sport Kickboxing Association (ISKA) or any other training and certification process for referees approved by the commission or its executive director.

1. Applications for approval of an amateur sanctioning organization shall specify either boxing or kickboxing. Accordingly, any approval shall be limited to the sport for which the amateur sanctioning organization has applied to obtain approval. An organization seeking approval for both amateur boxing and kickboxing may submit a single application, however, the commission may approve or disapprove the organization either as a whole or as it pertains to a specific sport.

2. An amateur sanctioning organization shall adequately demonstrate to the satisfaction of the commission that the principals of the organization have sufficient background, training, and experience in sanctioning and supervising matches for which the organization is approved.

(2) Disapproval.

An amateur sanctioning organization that does meet the criteria or requirements for approval provided above, shall be disapproved by the commission or its executive director.

(a) Other criteria or requirements not listed above nor found in the current rules of USA Boxing and or the International Sport Kickboxing Association (ISKA) may be determined as necessary for approval. In such instances, any approved amateur sanctioning organization shall be notified by the executive director of the commission of the new criteria or requirements and given 30 days to implement the changes.

(b) Failure to implement any new requirements as described in the preceding paragraph may be grounds for suspension or revocation of approval.

(3) Suspension of Approval.

(a) Any member of the commission or its executive director may suspend the approval of an amateur sanctioning organization for any of the reasons listed below:

1. Failure to supervise amateur matches;

2. Failure to enforce the approved health and safety standards; or

3. Any other health and safety requirement deemed necessary by the commission.

(b) A suspension of approval shall conform to the procedure for summary suspension under section 120.60(6), Florida Statutes.

(c) In lieu of a suspension of approval of the amateur sanctioning organization, any member of the commission or a representative of the commission may immediately suspend one or more matches in an event whenever it appears that the match or matches violate the approved health and safety standards or any other health and safety requirement deemed necessary by the commission or a representative of the commission.

(4) Revocation of Approval.

(a) Any amateur sanctioning organization determined by the commission to inadequately sanction and supervise amateur matches based on the approved health and safety standards may be subject to revocation of its approval by the commission.

(b) In instances where a revocation of approval is ordered by the commission, an amateur sanctioning organization and its associated principals shall not seek new approval for a period of one year.

Specific Authority 548.003(2) FS. Law Implemented 548.003, 548.006, 548.0065, 548.008 FS., CS for SB 538. History--New _____.

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: Licensure Examination

RULE NO.: 64B2-11.003

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

SUBJECT AREA TO BE ADDRESSED: Licensure Examination.

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(1) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-11.003 Licensure Examination.

(1) No change.

(2) A score of 75% on each subject area in subsection (1) shall be necessary to achieve a passing score on the practical portion of the examination outlined in subsection (1). Upon initial examination, an applicant must take the entire practical examination. The applicant must pass at least two (2) of the three (3) subject areas of the practical examination in order to retake any failed subject area. The applicant may retake a failed subject area only twice, within 24 months of the date of the first failure, after ~~upon~~ which time the applicant must retake the entire practical examination.

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History--New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, 5-5-02, 5-4-03, _____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Continuing Education

RULE NO.: 64B2-13.004

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

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.036(10), 460.408 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B2-13.004 Continuing Education.
 - (1) through (2) No change.
 - (3) Continuing education providers, including providers of AIDS and risk management, seeking initial approval by the Board shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Board approval, a continuing education program:
 - (a) through (c) No change.
 - (d) Shall be taught by one or more speakers or lecturers with at least one of the following qualifications:
 - 1. A current faculty member level instructor of a chiropractic college or school maintaining a standard and reputability approved by the Board, or a current faculty member level instructor at a medical or osteopathic college or a university which college or university is accredited by, or has status with, an agency or its successor which is recognized and approved by the United States Office of Education or the Council on Post Secondary Accreditation; or
 - 2. No change.
 - (4) through (13) No change.

Specific Authority 460.408(3) FS. Law Implemented 456.013(6), 456.036(10), 460.408 FS. History—New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, _____.

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice

RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination 64B17-3.002
 RULE NO.:
 PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.
 SUBJECT AREA TO BE ADDRESSED: Licensure examination subjects and passing score; additional requirements after third failure; laws and rules examination.
 SPECIFIC AUTHORITY: 456.017, 486.025, 486.051 FS.
 LAW IMPLEMENTED: 456.017, 486.051 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: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Laws and Rules Examination.
 - (1) The licensure examination for physical therapy ~~administered by the Department~~ shall be the National Physical Therapy Examination for Physical Therapists developed national physical therapy examination approved by the Federation of State Boards of Physical Therapy through the designated agency providing such examination.
 - (2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 recommended by the Federation of State Boards of Physical Therapy criterion referenced score determined by the agency providing the national physical therapy examination.
 - (3) No change.
 - (4) All applicants for licensure including those licensed by endorsement under Rule 64B17-3.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Board of Physical Therapy approved laws and rules examination.
 - (a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:
 - 1. Legislative Intent and Definitions 25%
 - 2. Board Powers and Duties 5%
 - 3. Licensure and Examination 7.5%
 - 4. Patient Care 35%
 - 5. Disciplinary Action and Unlawful Practice 15%, and
 - 6. Consumer Advocacy 12.5%.

In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

- (b)1. Applicants must reapply to retake the Florida Jurisprudence Examination.
- 2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended 2-14-02, 4-23-02, _____.

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice

RULE TITLES: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
 RULE NOS.:
 Licensure by Endorsement 64B17-4.002
 64B17-4.003

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

SUBJECT AREA TO BE ADDRESSED: Licensure examination subjects and passing score; additional requirements after third failure; laws and rules examination and licensure by endorsement.

SPECIFIC AUTHORITY: 456.017(1)(b), 486.025, 486.104, 486.107(1) FS.

LAW IMPLEMENTED: 456.017, 486.104, 486.107(1) 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: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Laws and Rules Examination.

(1) The licensure examination for physical therapists assistants ~~administered by the Department~~ shall be the National Physical Therapy Examination for Physical Therapists developed national physical therapy examination approved by the Federation of State Boards of Physical Therapy through the designated agency providing such examination.

(2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 recommended by the Federation of State Boards of Physical Therapy criterion-referenced score determined by the agency providing the national physical therapy examination.

(3) No change.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-4.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Board of Physical Therapy a laws and rules examination.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

1. Legislative Intent and Definitions 25%
2. Board Powers and Duties 5%
3. Licensure and Examination 7.5%
4. Patient Care 35%
5. Disciplinary Action and Unlawful Practice 15%, and
6. Consumer Advocacy 12.5%

In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

(b)1. Applicants must reapply to retake the Florida Jurisprudence Examination.

2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History--New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended 2-14-02, 4-23-02,_____.

64B17-4.003 Licenser by Endorsement.

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapy assistants examination provider certified by the Department. An applicant who has failed to pass the national physical therapy examination by or on the fifth attempt after five attempts, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History--New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02, 11-11-02,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Florida Fish and Wildlife Commission

RULE NO.:

Grants Program 68A-2.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate specific Fish and Wildlife Research Institute grant program guidelines by reference into the established overall rule on the issuance of agency grants. This will provide grant seekers and grant recipients with additional information that will assist in understanding the agency's grant issuing process.

SUBJECT AREA TO BE ADDRESSED: Grant Program Guidelines for the Florida Wildlife Research Institute to be incorporated by reference.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.; 370.023 FS.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.; 370.023 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETING.

TIME AND DATES: 8:30 a.m. each day, September 22-24, 2004

PLACE: The St Petersburg Hilton, 333 First Street South, Saint Petersburg, FL 33701

Pursuant to the provisions of the American 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alan Huff, Florida Fish and Wildlife Research Institute, 100 8th Avenue, S. E., Saint Petersburg, Florida 33701, (727)896-8626, e-mail: alan.huff@myfwc.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Florida Fish and Wildlife Commission Grants Program

RULE NO.: 68A-2.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate specific Habitat and Species Conservation grant program guidelines by reference into the established overall rule on the issuance of agency grants. This will provide grant seekers and grant recipients with additional information that will assist in understanding the agency's grant issuing process.

SUBJECT AREA TO BE ADDRESSED: Grant Program Guidelines for the State Wildlife Grants Program to be incorporated by reference.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.; 370.023 FS.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.; 370.023 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.

Pursuant to the provisions of the American 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Katherin Haley, Florida Fish and Wildlife Conservation Commission 620 South Meridian Street Tallahassee, FL 32399-1600, (850)488-3831

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Record Maintenance and Production Requirements for Employers

RULE NO.: 69L-6.015

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement Chapter 2003-412, § 13, Laws of Florida, which directs the department to specify by rule the business records that an employer must maintain and produce to comply with the workers' compensation law. In effect this amendment identifies business records required to be maintained and produced, prescribes a retention period and a location where records are to be maintained, designates approved media, and provides an effective date.

SUBJECT AREA TO BE ADDRESSED: Record Maintenance and Production Requirements for Employers subject to Chapter 440, F.S.

SPECIFIC AUTHORITY: 440.107(5), 440.591 FS.

LAW IMPLEMENTED: 440.107(3), 440.107(5) 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 29, 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-6.015 Record Maintenance and Production Keeping Requirements for Employers ~~Business Owners~~.

~~In order for the Division to determine that an employer is in compliance with the provisions of Chapter 440, F.S., every business entity conducting business within the state of Florida shall maintain for the immediately preceding three year period true and accurate records. Such business records shall include original documentation of the following, or copies, when originals are not in the possession of or under the control of the business entity:~~

~~(1) Employers must at all times maintain the records required by this rule and must produce the records when requested by the division pursuant to Section 440.107, F.S. All workers' compensation insurance policies of the business entity, and all endorsements, notices of cancellation, nonrenewal, or reinstatement of such policies.~~

~~(2) Identity, organizational, and occupational records. Every employer shall maintain the notice that assigns to the employer its Federal Employer Identification Number (IRS Form 575A); records that identify its business name, such as fictitious name registration; records that identify its business form, such as corporation, limited liability company, or partnership; and a copy of its articles of incorporation or organization, occupational licenses, trade licenses or certifications, and competency cards. All records, including correspondence, pertaining to premium audits.~~

~~(3) Employment records. Every employer shall maintain employment records pertaining to every person to whom the employer paid or owes remuneration for the performance of any work or service in connection with any employment under any appointment or contract for hire or apprenticeship. Records indicating for every pay period a description of work performed and amount of pay or description of other remuneration paid or owed to each person by the business entity, such as time sheets, time cards, attendance records, earnings records, payroll summaries, payroll journals, ledgers or registers, daily logs or schedules, time and materials listings.~~

~~(a) The employment records required by this subsection shall indicate with regard to every such person:~~

~~1. Name of the person.~~

~~2. Social Security Number, Federal Employer Identification Number, or IRS Tax Identification Number of the person.~~

~~3. Each day, month, and year or pay period when the employer engaged the person in employment.~~

~~4. Amount of remuneration paid or owed by the employer for work or service performed by the person. Where remuneration is paid or owed on an hourly basis, the record shall indicate the day, month, and year of work or service and the number of hours worked by the person during each pay period. Where remuneration is paid or owed on any basis other than hourly, the record shall specify the basis, such as competitive bid, piece rate, or task, and indicate the day, month, and year when remuneration was earned.~~

~~(b) In addition, every employer shall maintain the following records for each such person:~~

~~1. All checks or other records provided to the person for salary, wage, or earned income.~~

~~2. All Form 1099 Miscellaneous Income and Form W-2 Wage and Tax Statements issued to the person.~~

~~3. All written contracts or agreements between the employer and the person that describe the terms of employment.~~

~~4. All employment and unemployment reports filed pursuant to Florida law.~~

~~(4) Tax records. Every employer shall maintain all forms, together with supporting records and schedules, filed with the Internal Revenue Service. All contracts entered into with a professional employer organization (PEO) or employee leasing company, temporary labor company, payroll or business record keeping company. If such services are not pursuant to a written contract, written documentation including the name, business address, telephone number, and FEIN or social security number of all principals if an FEIN is not held, of each such PEO, temporary labor company, payroll or business record keeping company; and~~

~~(a) For every contract with a PEO: a payroll ledger for each pay period during the contract period identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed during each pay period by each worker, and the amount paid each pay period to each worker. A business entity may maintain such records or contract for their maintenance by the PEO to which the records pertain.~~

~~(b) For every contract for temporary labor: work slips for each day temporary labor services were used identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed each pay period by each worker, and the amount paid each pay period to each worker and by the business entity~~

~~to the temporary labor company. A business entity may maintain such records or contract for their maintenance by the temporary labor provider to which the records pertain.~~

~~(5) Account records. Every employer shall maintain monthly, quarterly, or annual statements for all open or closed business accounts established by the employer or on its behalf with any credit card company or any financial institution, such as bank, savings bank, savings and loan association, credit union, or trust company. All contracts to which the business was or is a party for services performed by an independent contractor, or in the event a written contract was not executed, written documentation including the name, business address, telephone number, and FEIN or social security number if an FEIN is not held, of each independent contractor; and proof of workers' compensation insurance held by each independent contractor during the life of the contract for his/her services or records sufficient to prove that the independent contractor was not required pursuant to Chapter 440, F.S., to have workers' compensation insurance coverage during that time period;~~

~~(6) Disbursements. Every employer shall maintain a journal of its check and cash disbursements as well as a copy of each cashier's check, bank check, and money order, indicating chronologically the disbursement date, to whom the money was paid, the payment amount, and the purpose. All check ledgers and bank statements for checking, savings, credit union, or any other bank accounts established by the business entity or on its behalf; and~~

~~(7) Employee leasing company, labor pool, and temporary labor service records. All federal income tax forms prepared by or on behalf of the business and all State of Florida, Division of Unemployment Compensation UCT-6 forms and any other forms or reports prepared by the business or on its behalf for filing with the Florida Division of Unemployment Compensation.~~

~~(a) Every employee leasing company licensed under Chapter 468, F.S., including a professional employer organization, shall maintain:~~

~~1. Records that indicate the Federal Employer Identification Number of each client company.~~

~~2. The application of each client company and contract between the employee leasing company and the client company whereby the employee leasing company assigned its employees to a client company.~~

~~3. Records that indicate the name, gross pay, deductions from gross pay, net pay, and rate of pay for every employee assigned to each client company.~~

~~(b) Every labor pool under Chapter 448, F.S., shall maintain:~~

~~1. The written itemized statement showing in detail the wages and each deduction made from wages paid to each day laborer.~~

~~2. The annual earnings summary provided to each day laborer.~~

~~(c) Every temporary labor service shall maintain records that identify the name, Social Security Number or IRS Tax Identification Number of each employee who the temporary labor service provided to a client, and the payments to and the pay period, type of service, and location of service performed by each such employee. In addition, the temporary labor service shall maintain records of payments that it received from the client.~~

~~(8) Subcontractor invoices. Every employer shall maintain all invoices received from a subcontractor for work or service performed by the subcontractor for the employer.~~

~~(9) Workers' compensation insurance and certificates of election to be exempt.~~

~~(a) Every employer shall maintain all workers' compensation insurance policies obtained by the employer or on the employer's behalf and all endorsements, declaration pages, certificates of workers' compensation insurance, notices of cancellation, notices of non-renewal, or notices of reinstatement of such policies.~~

~~(b) Every employer shall maintain all premium audits, including premium self-audits, together with supporting documentation and correspondence provided by the employer to its workers' compensation carrier.~~

~~(c) Every contractor shall maintain evidence of workers' compensation insurance of every subcontractor and for every subcontractor that is a corporation or limited liability company that has an officer or a member who elects to be exempt from the coverage requirements of the workers' compensation law the contractor shall maintain a valid certificate of election to be exempt issued to the officer or member under Section 440.05, F.S.~~

~~(d) Every corporation that is actively engaged in the construction industry and has officers who possess valid certificates of election to be exempt issued under Section 440.05, F.S., shall maintain written statements of those exempt officers affirmatively acknowledging each such officer's exempt status.~~

~~(e) Every employer who claims that an employee or officer of a corporation is exempt from the coverage requirements of the workers' compensation law shall maintain a valid certificate of election to be exempt issued under Section 440.05, F.S. for that employee or officer of a corporation.~~

~~(10) Contracts. Each employer shall maintain:~~

~~(a) All complete executed written contracts between it and a general contractor, subcontractor, independent contractor, or employee leasing company licensed under Chapter 468, F.S., that specify the terms of reimbursement and performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship.~~

(b) Any records that establish the statutory elements of independent contractor prescribed in Section 440.02(15)(d), F.S., for each worker who claims to be or who the employer claims to be an independent contractor and not an employee under the workers' compensation law.

(11) Records retention. An employer under the workers' compensation law shall maintain the records specified in this Rule for the current calendar year to date and for the preceding three calendar years, in original form, whether paper, film, machine readable electronic material, or other media. A legible copy of the original record is an acceptable substitute for the original.

(12) Records location. An employer shall maintain the records specified in this rule at the corporate registered office, principal place of business, or job site in Florida.

Specific Authority 440.107(5), 440.107(2), 440.591 FS. Law Implemented 440.107(3), 440.107(5), 440.107(2), 440.591 FS. History—New 2-2-00, Formerly 38F-6.015, Amended 3-26-03, Formerly 4L-6.015, Amended _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs

RULE NO.: 1B-2.011

PURPOSE, EFFECT AND SUMMARY: The purpose of this amendment is to add a Community Libraries in Caring grant program. Guidelines for this grant program are outlined in the application packet that contains information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures and application forms.

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 lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 257.14, 257.15, 257.193 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.193 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: The hearing must be requested in writing by 5:00 p.m. Eastern Time, Tuesday, September 28, 2004. If not requested, this hearing will not be held.

TIME AND DATE: 9:30 a.m. Eastern Time, Tuesday, October 5, 2004

PLACE: Archives Conference Room, First Floor, State Library and Archives of Florida, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Judith Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

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

(g) (The Community Libraries In Caring Program Application, effective _____; which contain instructions and application (Form DLIS/CLIC01), effective _____; and Annual Report (Form DLIS/CLIC02), effective _____.

(3) through (4) No change.

Specific Authority 257.14, 257.15, 257.191, 257.192, 257.193, 257.24, 257.41(2) FS. Law Implemented 240.5186, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.193, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judith A. Ring, Director, Division of Library and Information Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 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 MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations

RULE CHAPTER NO.: 60A-1

RULE TITLE: Identical Evaluations of Responses

RULE NO.: 60A-1.011

PURPOSE AND EFFECT: The purpose of this rule amendment is to modernize the "Tie Bid" provisions and prioritize the various statutory tie-breaking provisions.

SUMMARY: The revised statute prioritizes four methods of determining a winner, in the event of a tie-bid situation.

(2) All claims reports shall be submitted by the agency to the agent of record representing the insurance carrier. Any loss due to an alleged criminal act shall be reported immediately upon discovery to the appropriate law enforcement agency.

~~(3) Invoices will be forwarded by State Purchasing to the Department of Financial Services for the initial rate approval. The Department of Financial Services will transmit the invoice and rate approval to the State agency for payment. All renewals and endorsements with the same rate as previously approved by the Department of Financial Services will be transmitted to the State agency by the Department of Management Services. Covered agencies shall submit all premium payments directly to the agent of record representing the insurance carrier. Payments are to be made in accordance with Section 215.422, F.S.~~

Specific Authority 287.042(12) FS. Law Implemented 287.022 FS. History—New 8-6-81, Amended 11-4-82, Formerly 13A-1.15, Amended 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.015, Amended 8-24-93, 1-9-95, 7-6-98, 1-2-00, 6-21-04,_____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

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

PURPOSE AND EFFECT: The purpose of this amendment is to update current disciplinary offenses and add additional cites and rule numbers and to add additional disciplinary offenses and penalties.

SUMMARY: This rule sets forth guidelines for disciplinary actions against CPAs when violations of the statutes and rules occur, gives the minium and maximum for each violation listed and explains the aggravating and mitigating circumstances.

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: 455.2273 FS.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-36.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

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

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE		
	MINIMUM	MAXIMUM	
(a) Attempting to procure license by bribery or fraudulent misrepresentation (<u>455.227(1)(h)</u> , 473.323(1)(b), F.S.)	Revocation and \$5,000 fine if licensed (denial of license and refer to State Attorney if not licensed)		
(b) CPA License disciplined by another jurisdiction (<u>455.227(1)(f)</u> , 473.323(1)(c), F.S.)	Same penalty as imposed in other jurisdiction or imposition of same range of penalties as those set forth in those rules for the same type of violation.		
(c) Criminal conviction relating to accountancy (<u>455.227(1)(c)</u> , 473.323(1)(d), F.S.)	Misdemeanor: Reprimand	Reprimand and \$5,000 fine one (1) year suspension and two (2) year probation	
	Felony: One (1) year suspension; two (2) year probation \$5,000 fine	Revocation and \$5,000 fine	
(d) Knowingly making or filing false report (<u>455.227(1)(g)</u> , <u>(1)(l)</u> , 473.323(1)(e), F.S.)	Reprimand one (1) year probation	Revocation and \$5,000 fine	
(e) Fraudulent, false, deceptive or misleading advertising (473.323(1)(f), F.S., <u>Rule 61H1-24.001</u> , F.A.C.)	Letter of Guidance	Reprimand, one (1) year probation and \$5,000 fine	
(f) Incompetence (mental or physical impairment) (473.323(1)(g), F.S., <u>Rule 61H1-36.001</u> , F.A.C.)	Suspension until ability to practice proved, followed by probation		
(g) Fraud, or deceit or misleading (<u>455.227(1)(a)</u> , <u>(m)</u> , 473.323(1)(g), (k), F.S.)	Reprimand, one (1) year suspension; two (2) years probation and \$5,000 fine	\$5,000 fine and revocation	
(h) Negligence or misconduct 1. Technical standards and professional competence (<u>455.227(1)(o)</u> , 473.315, F.S.; <u>Rules 61H1-21.006 and 61H1-22</u> , F.A.C.)	Letter of Guidance	Reprimand and one (1) year probation (continuing education and review of practice at licensee's expense and limited area of practice)	
	2. Lack of independence (473.315, <u>473.319</u> , <u>473.3205</u> , F.S.; <u>Rule 61H1-21.001</u> , F.A.C.)	Reprimand, one (1) year probation with review of practice and continuing education	Reprimand, one (1) year suspension, two (2) years probation and review of practice and continuing education
	3. Commissions and contingent fees (<u>Rules 61H1-21.001</u> , 61H1-21.003, 61H1-21.005, F.A.C.)	Reprimand	One (1) year suspension, two (2) years probation \$5,000 fine
4. Client records disposition (<u>Rule 61H1-23.002</u> , F.A.C.)	Letter of Guidance	Suspension until records are returned	
(i) Solicitation (473.323(1)(l), F.S.; <u>Rule 61H1-24.002</u> , F.A.C.)	Letter of Guidance	Reprimand, one (1) year probation \$5,000 fine and one (1) year suspension	

(j) Practicing on suspended or revoked license (473.323(1)(i), F.S.)	Revoke if previously suspended; refer to State Attorney if previously revoked	
(k) Practicing on inactive or delinquent license (455.271 , 473.323(1)(i), F.S.)	Reprimand and fine based on length of time in practice while inactive; \$100/month or \$5,000 maximum (penalty will require licensure or cease practice)	
(l) Licensees practicing in an unlicensed firm (including sole proprietors) or otherwise in violation of 473.309, 473.3101, and 473.323(1)(g), F.S.; <u>Rule 61H1-26.001, F.A.C.</u>	Reprimand and \$100 per month fine to maximum of \$5,000 and suspension of right to practice until corrected	
(m) Suspension of right to practice in front of any state or federal agency (455.227(1)(f) , 473.323(1)(j), F.S.)	Same penalty as imposed by agency or imposition of same range of penalties as those set forth in those rules for the same type of violation	
(n) Lack of Good Moral Character (473.323(1)(l), F.S.)	Reprimand; and one year probation	Revocation
(o) Failure to pay fines or administrative costs imposed by final order or citations set forth in Rule 61H1-36.005, <u>F.A.C.</u>	\$100 per month late fee for every month the licensee is late to a maximum of \$5,000	Revocation
(p) Violation of CE requirements (473.323(1)(a) by 473.312 or 473.323(1)(h), 455.227(1)(q) , F.S. by Rules 61H1-33.003 and/or 61H1-33.0035, F.A.C.)	<u>Reprimand, probation, make up missed CEs and penalty CEs</u>	<u>Suspension and \$1000 fine</u>
(q) Violation of client confidentiality (473.323(1)(a) by 473.316(1)(h), or 455.227(1)(q) , F.S. by Rule 61H1-23.001, <u>F.A.C.</u>)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
(r) Misleading or deceptive name (473.323(1)(a) by 473.321, F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
(s) Violation of 473.323(1)(a) by 473.322, F.S.:		
1. Present license of another as one's own (473.322(1)(d), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
2. Give false or forged evidence to Board or member thereof (473.322(1)(e), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Revocation and \$5,000 fine</u>

<u>3. Use or attempt to use license that has been suspended, revoked, or placed on inactive or delinquent status (473.322(1)(f), F.S.)</u>	<u>Reprimand, probation, and \$1000 fine</u>	<u>Revocation and \$5,000 fine</u>
<u>4. Employ unlicensed persons to practice public accounting; aiding or assisting unlicensed practice public accounting. (473.322(1)(g), F.S.)</u>	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
<u>5. Conceal information relative to violations of Chapter 473 (473.322(1)(h), F.S.)</u>	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
<u>(t) Failure to provide legally-required written disclosure to client or public (violation of 473.323(1)(m), F.S.)</u>	<u>Reprimand, Probation, and \$1000 Fine</u>	<u>Suspension and \$5,000 fine</u>
<u>(u) Violation of 473.323(1)(a) by 455.227(1), F.S.:</u>		
<u>1. Improper influence on client (455.227(1)(n), F.S.)</u>	<u>Reprimand, Probation, and \$1000 Fine</u>	<u>Revocation and \$5,000 fine</u>
<u>2. Improper delegation of professional responsibilities (455.227(1)(p), F.S.)</u>	<u>Reprimand, Probation, and \$1000 Fine</u>	<u>Suspension and \$5,000 fine</u>
<u>3. Improper interference with investigation or disciplinary proceeding (455.227(1)(r), F.S.)</u>	<u>Reprimand, Probation, and \$1000 Fine</u>	<u>Revocation and \$5,000 fine</u>
<u>4. Failure to perform statutory/ legal obligations (455.227(1)(k), F.S.)</u>	<u>Reprimand, Probation and \$1000 Fine</u>	<u>Suspension and \$1,000 fine</u>
<u>(v) Failure to maintain current address (violation of 455.275, 455.227(1)(q), and 473.323(1)(h), F.S. by violating Rule 61H1-26.005, F.A.C.)</u>	<u>Reprimand and \$500 Fine</u>	<u>Suspension and \$1,000 fine</u>
<u>(w) Standards for assembly of financial statements (violation of 455.227(1)(q) and 473.323(1)(h), F.S. by Rule 61H1-20.0053, F.A.C.)</u>	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5,000 fine</u>
<u>(x) Violation of 473.323(1)(h) and 455.227(1)(q), F.S., by Rule 61H1-25.001, F.A.C.) Same as (2)(u) supra</u>	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5,000 fine</u>
<u>(y) Minimum Capital (Violation of and 455.227(1)(q) and 473.323(1)(h), F.S. by Rule 61H1-26.002, F.A.C.)</u>	<u>Reprimand, Probation, \$1000 Fine and Corrective Action. Must document required capital.</u>	<u>Suspension and \$5,000 Fine</u>

(z) Licensure of firm names and changes (violation of 455.227(1)(q) and 473.323(1)(h), F.S. by Rules 61H1-26.003 and 61H1-26.004, F.A.C.)

Reprimand, Probation, \$100/ Month Fine and Corrective Action. Must document licensure.

Suspension and \$5,000 Fine

(aa) Failure to report discipline violation (455.227(1)(i), F.S.)

Reprimand, Probation, and \$1000 Fine.

Suspension and \$5,000 Fine.

(3) through (7) No change.

Specific Authority 455.2273 FS. Law Implemented 455.2273, 473.323(1)(m) FS. History--New 1-7-87, Amended 9-16-87, 8-25-88, 6-18-91, 12-30-91, Formerly 21A-36.004, Amended 12-7-93, 5-23-94, 8-16-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Education Requirements
RULE NO.: 61J1-4.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to education requirements.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was 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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 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 IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.001 Education Requirements.

(1)(a) Persons desiring to become registered as a trainee appraiser must satisfactorily complete 75 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice. ~~A classroom hour is defined as 50 minutes out of each 60 minute segment.~~

(b) If a registration expires due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., the original 75 classroom hours to become initially registered will be invalid and may not be used to secure another registration.

(c) If an initial application to become registered is not received within 2 years after the successful completion of the course as provided in paragraph (1)(a), the applicant must take the 15 classroom hour Uniform Standards of Professional Appraisal Practice course.

(2) Persons desiring to become certified as a residential appraiser must successfully complete 120 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include The 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 120 classroom hours may include the 75 classroom hour requirement for becoming registered or the 90 classroom hour requirement for becoming licensed as an appraiser. ~~A classroom hour is defined as 50 minutes out of each 60 minute segment.~~

(3) Persons desiring to become certified as a general appraiser must successfully complete 180 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include The 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 180 classroom hours may include the 75 classroom hour requirement for becoming registered, the 90 classroom hour requirement for becoming licensed as an appraiser, or the 120 classroom hour requirement for becoming certified as a residential appraiser. ~~A classroom hour is defined as 50 minutes out of each 60 minute segment.~~

(4) Credit towards the classroom hour requirement shall only be granted where the length of the educational offering is at least 15 classroom hours, and the person successfully completes an examination pertinent to that educational offering. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(5) Board approved pre-registration courses for trainee appraisers must include the following subject matter:

- (a) Real property concepts and characteristics;
- (b) Legal consideration;
- (c) Influences on real estate values;
- (d) Types of value;
- (e) Economic principles;
- (f) Overview of real estate markets and analysis;
- (g) Ethics and how they apply in appraisal theory and practice;
- (h) Overview of approaches to value;
- (i) Valuation procedures;
- (j) Property description;
- (k) Residential applications;
- (l) Coverage of the Uniform Standards of Professional Appraisal Practice; and
- (m) Coverage of Florida rules and regulations that pertain to the practice of appraisal.

(6) Board approved pre-certification courses for certified residential appraisers must include the following subject matter:

- (a) Residential market analysis;
- (b) Residential highest and best use;
- (c) Residential site valuation;
- (d) Residential cost approach;
- (e) Residential sales comparison approach;
- (f) Residential income approach;
- (g) Residential report writing;
- (h) Residential case studies;
- (i) Statistics;
- (j) Modeling;
- (k) Finance;
- (l) Advanced residential applications;
- (m) Advanced residential case studies;
- (n) Appraisal standards and ethics; and
- (o) National Uniform Standards of Professional Appraisal Practice.

(7) Board approved pre-certification courses for certified general appraisers must include the following subject matter:

- (a) General appraiser market analysis;
- (b) General appraiser highest and best use;
- (c) General appraiser sales comparison approach;
- (d) General appraiser site valuation and cost approach;
- (e) General appraiser income approach; and
- (f) General appraiser report writing and case studies.

(8) Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, and proprietary real estate schools registered pursuant to Section 475.451, F.S. A copy of the course shall be submitted to the board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations; one submission must be a blind copy. A detailed course syllabus and a typical end-of-course examination must be submitted to the Board by the entity desiring to offer a course for evaluation and approval. The course and exam must be submitted at least 90 days prior to offering the course. The Board will notify the entity within 60 days whether the course and exams meet the criteria set out in subsections (5), (6) and (7) above and subsection (9) below. Approval must be granted before the course is conducted. Institutions, entities and schools offering Board prescribed or approved appraisal educational courses are responsible for keeping the course subject matter current and accurate.

(9) The Board shall also approve past appraisal courses which cover substantially the same subject matter, classroom hours of attendance, and completion standards as the board approved courses offered by the entities as set out in subsections (4), (5), (6), (7), (8) and (10). If the requested information is found lacking to show course equivalency the Board may request supportive documentation to determine course equivalency.

(10) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on a the Board approved end-of-course examination. The examinations are prepared and administered by a nationally or state recognized appraisal organization, accredited university, college, community college, area vocational-technical center, state or federal agency or commission, or real estate school upon completion of the classroom instruction. The end-of-course exam must test what the course is about and the student's knowledge of the course. The provider shall develop at least two forms of the end-of-course examinations and submit them for approval with a detailed course syllabus, detailed timeline and two copies of the course material in a blind format containing no reference to the provider submitting the course. The answer key must be unique for each form of the examination and reference the page numbers containing the information on which each question and correct answer is based. At least 70% of the questions on each examination form shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of

specific fact, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering prescribed courses must maintain a sufficient bank of questions to assure examination validity. A course that is more than 30 hours shall contain at least 100 items. A course that is 30 hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. No examination shall contain more than 20% duplication of questions. The examination shall comply with the Item Writing Guidelines, incorporated herein by reference. Approval of satisfactory course completion shall not be issued to any student having absences in excess of 10% of the classroom hours.

(11) The institution or school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. Notice of course completion shall be made on the form prescribed by the Board in Rule 61J1-4.005, F.A.C.

(12) Where any national or state recognized appraisal organization, accredited university, college, community college, area vocational-technical center, state or federal agency or commission, or proprietary real estate school allows the Board approved end-of-course examination to be retaken, students failing the Board approved end-of-course examination must wait at least 30 days from the date of the original examination to ~~again~~ take the alternate end-of-course examination. Within one year of the original end-of-course examination, a student may retake the prescribed end-of-course exam a maximum of one time. Otherwise, students failing the ~~an~~ appraisal education course examination must repeat the Board prescribed or approved course prior to being eligible to again take the end-of-course examinations. Makeup classes to enable the student to take the end-of-course examination and makeup examination, which are due to student or family illness, may not extend more than 30 days beyond the class scheduled examination without approval from the Board.

(13) Credit towards the classroom hour requirement may also be satisfied by teaching appraisal courses. Registered trainee appraisers may not satisfy any requirement of this rule with any course they have instructed. The appraisal courses must cover substantially the same subject matter as the Board prescribed courses. Credit shall be awarded on an hour-for-hour basis. Credit shall only be granted on a one time basis for teaching a particular appraisal course. The Board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 2, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 16, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Continuing Education
RULE NO.: 61J1-4.003
PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to continuing education.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was 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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618 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 IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, F.A.C. The 30-hours shall include The 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, without significant duplication of material, as defined in Section 475.611(1)(o), F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal Law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals. A registered,

licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months. Registered appraisers who comply with the Post Licensure requirements and Florida laws and rule update, as set forth in Rule 61J1-4.009, F.A.C., are not required to complete any additional continuing education for that renewal cycle.

(2) The Board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission or proprietary real estate school. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date. The criteria for approval shall be as set out in subsection (3) below.

(3) Satisfactory completion of the Board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 3 hours of instruction and cover real estate appraisal related topics such as ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of Board prescribed course instruction.

(a) A copy of the course and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(b) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or

proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, F.A.C.

(c) For purposes of this rule, "application level" is defined as the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.

(d) For purposes of this rule, "knowledge level" is defined as recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

(4)(a) The continuing education courses required in this rule may be satisfied by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be evaluated in the same manner as the course offered by classroom instruction, having due regard however, to the different method of presentation. The institution offering distance education courses must provide proof of certification of the delivery method by an independent certified organization approved by the AQB.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. No examination shall contain more than 20% duplication of questions. The examination shall comply with the item Writing Guidelines, incorporated herein by reference.

(e) In all Board approved continuing education courses by distance education, the institution, school or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15-day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

(5) The Florida institution, organization, permitted real estate school or Board approved entity offering these Board prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, F.A.C.

(6) These Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area technical centers, accredited university, college and community college, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to Section 475.451, F.S., or at a place approved

by the Board. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(7) A registrant, licensee, or certificate holder, including a Board member, may earn five (5) classroom hours by attending an entire meeting where the Board considers disciplinary cases, for a maximum of ten (10) of the required thirty (30) hours; provided that, the individual is not appearing as a party to a disciplinary action and notifies the Division of Real Estate, Education Section, of the intent to attend at least seven (7) days prior to the meeting.

(8) Credit towards the continuing education requirement of this rule may also be satisfied by teaching Board approved appraisal courses. Credit shall be awarded on an hour-for-hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The Board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History--New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 2, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 16, 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 TITLES:	RULE NOS.:
Citations	64B2-16.0075
Mediation	64B2-16.010
Notice of Noncompliance	64B2-16.011

PURPOSE AND EFFECT: The Board proposes to update the existing language in Rules 64B2-16.010 and 64B2-16.0075, F.A.C., and promulgate new Rule 64B2-16.011, F.A.C.

SUMMARY: Citation offenses include a time in which to correct the violation; a new citation offense is failure to maintain financial responsibility and a new set of citation penalties is included for the physician assistants. Mediation

offenses are expanded to include failure to promptly return a license, issuance of a bad check and failure to notify a change of address. Notices of noncompliance are appropriate for failure to notify of a change of address and issuance of a bad check if corrected within 15 days.

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: 120.695, 456.073(3), 456.077, 456.078, 460.405 FS.

LAW IMPLEMENTED: 120.695, 456.035, 456.072(3), 456.073, 456.078 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: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B2-16.0075 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee, an applicant, a candidate trainee, or any other person within the jurisdiction of this Board, for the purpose of assessing a penalty in an amount established by this rule. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, and impose whatever obligations will remedy the offense, except that up to six months shall be permitted with regard to the completion of continuing education credit hours.

(2) In lieu of the disciplinary procedures contained in Section ~~456.073~~ ~~456.077~~, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) The Board designates the following as citation violations, which shall result in a penalty of \$500 five hundred dollars (~~\$500.00~~) if the citation is accepted by the licensee:

~~(a) Causing to be advertised an advertisement which does not identify the physician or institution as being chiropractic, Section 460.413(1)(c), F.S.~~

~~(a)(b) Failure to notify the Department of change of address, Rule 64B2-10.0055, F.A.C. Section 455.717(1), F.S.~~

~~(b)(e) Failure to review and correct any factual inaccuracies in the practitioner profile within 15 30 days of when furnished based upon any information provided by the practitioner, Sections 460.413(1)(i), 456.041(7), 456.042, F.S.~~

~~(d) through (e) renumbered (c) through (d) No change.~~

~~(f) Advertising any reduced or discounted fees for services or treatments, or advertising any free services or treatments, without prominently stating in the advertisement the usual fees, Section 460.413(1)(ee), F.S.~~

~~(e)(g) No change.~~

~~(f) Failing to maintain financial responsibility for a period of not more than 90 days, Rule 64B2-17.009, F.A.C.~~

~~(4) Failure of chiropractic physicians First time failure to complete the required continuing education during the biennial license period; Section 456.072(3), F.S.~~

~~(a) through (b) No change.~~

~~(5) Failure of certified chiropractic physicians assistants to complete the required continuing education during the biennial license period; Section 456.072(3), F.S.~~

~~(a) Failure to complete less than 10 hours shall result in a penalty of \$100;~~

~~(b) Failure to complete 10 or more hours will result in a penalty of \$200. In addition, licensees shall make up all continuing education hours in deficiency, and shall take one additional hour of continuing education for each hour of continuing education deficiency. Said hours shall not count toward the licensee's continuing education renewal requirements for the next biennium.~~

~~(6)(5) No change.~~

~~(6) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected.~~

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

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

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

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

64B2-16.010 Mediation.

(1) No change.

(2) The board finds that mediation is an acceptable method of dispute resolution for the following violations as they are economic in nature or can be remedied by the licensee:

(a) Failure of the licensee to timely pay any assessed administrative fines or costs, Section 460.413(1)(v), F.S. and

(b) Failure of the licensee to timely respond to a continuing education audit, Section 460.413(1)(i), F.S.

(c) Failure to promptly return a license or certificate, Rule 64B2-16.009, F.A.C.

(d) Issuance of a bad check to the Department, Section 460.413(1)(i), F.S.

(e) Failure to notify the Department of a change of address within 45 days, Rule 64B2-10.0055, F.A.C.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History—New 5-1-95, Formerly 59N-16.010, Amended _____.

64B2-16.011 Notice of Noncompliance.

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

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

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

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

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: August 20, 2004

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Licensure by Endorsement

RULE NO.: 64B17-3.003

PURPOSE AND EFFECT: The Board proposes to clarify current rule text limiting to five the number of times that an applicant may take the examination.

SUMMARY: Applicants may take the national physical therapy examination no more than five occasions.

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: 486.025, 486.081 FS.

LAW IMPLEMENTED: 486.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.003 Licensure by Endorsement.

An applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider certified by the Department. An applicant who has failed to pass the national physical therapy examination by or on the fifth attempt after five attempts, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02, 11-11-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Family-Related Medicaid Income and Resource Criteria
 RULE NO.: 65A-1.707

PURPOSE AND EFFECT: The proposed rule amendment will align the 1931 family-related Medicaid income and resource criteria as defined in Rule 65A-1.707, F.A.C., with the 1931 family-related Medicaid coverage group as defined in Rule 65A-1.703, F.A.C. The amendment also deletes unnecessary language regarding definitions for a secondary school and full-time attendance.

SUMMARY: The proposed rule aligns budgeting methodology for the 1931 Medicaid eligibility group with the 1931 Medicaid filing unit policy as specified in Rule 65A-1.703, F.A.C. The amendment also deletes unnecessary definitions for secondary school and full-time attendance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost was not prepared for this rule repeal.

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

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

TIME AND DATE: 10:00 a.m., October 4, 2004
 PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Bailey, Management Review Specialist, 1317 Winewood Boulevard, Building 3, Room 454, Tallahassee, Florida 32399-0700, (850)410-3479

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.707 Family-Related Medicaid Income and Resource Criteria

(1) Family-related Medicaid income is based on the definitions of income, resources (assets), verification and documentation requirements as follows.

- (a) through (c)1. No change.
- 2. The following income is considered in determining gross non-earned income of the coverage group: income of a parent living in the home with a child under age 18; or, is under age 21 if in a coverage group for children under age 21 if a full-time student, under age 19; or income of the individual sponsor and the sponsor's spouse of certain non-citizens.
- 3. No change.
- (d)1. through 4. No change.

5. A full-time student or part-time student who is not a full-time employee, who is under the age of ~~18~~ 19 or is under age 21 if in a coverage group for children under age 21, and who is in a secondary school or equivalent level of vocational or technical training will have their gross earned income disregarded in the budget. A full-time student includes a participant in the Job Corps. The income of such a student also does not count toward determination of eligibility against the CNS. Earnings for classroom attendance negates student status except when in relation to income under the Workforce Investment Act of 1998 (WIA, formerly JTPA). Student refers to the minor child whose needs are included in the coverage group as a minor child not as a parent or relative. A part-time student who is not a full-time employee is defined as one whose school or training schedule is at least one-half of a full-time curriculum and who is regularly employed less than 30 hours per week. ~~Definition of secondary school is found in paragraph 6A-5.0752(2)(g), F.A.C.~~ Definition of full-time attendance is found in paragraph 65A-4.207(1)(b), F.A.C.

- 6. through 7. No change.
- (e) through (f) No change.
- (2) No change.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.918, 409.919 FS. History--New 10-8-97, Amended 2-15-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Bailey, Management Review Specialist
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Connie B. Reinhardt, Director of Economic Self-Sufficiency Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Registration	69I-20.001
Procedures for Filing Claim	69I-20.0021
Proof of Ownership and Entitlement to Unclaimed Property	69I-20.0022
Database Submissions	69I-20.0023
Payment of Conflicting Claims	69I-20.0027
Definitions	69I-20.030
Reporting Safe Deposit Box Contents	69I-20.035
Remitting of Safe Deposit Box Contents and Reimbursement of Expenses	69I-20.036
Voluntary Disclosure Agreements	69I-20.050
Purpose	69I-20.071
Penalty Guideline Definitions	69I-20.072
Calculating Penalty	69I-20.073
Prosecutorial Discretion	69I-20.074

Stated Penalty Guidelines for Violation of Sections 717.1322 and 717.1341, F.S., by Registrants	69I-20.075
Stated Penalty Guidelines for Violation of Sections 717.1322 and 717.1341, F.S., by Persons Who Are Not Registrants	69I-20.076
Criminal Proceedings	69I-20.077
Aggravating and Mitigating Factors	69I-20.078
Time for Payment of Administrative Fines and Costs	69I-20.079
Minor Violations	69I-20.080

PURPOSE AND EFFECT: The purpose and effect of proposed Rule 69I-20.0020, F.A.C., is the creation of forms for the registration of Florida private investigators, Florida certified public accountants and Florida attorneys pursuant to Sections 717.117(8) and 717.1400, Florida Statutes. The purpose and effect of proposed rule amendments to Rule 69I-20.0021, F.A.C., is to make changes to unclaimed property claims processing as well as the creation and amendment of forms. The purpose and effect of proposed rule amendments to subsection 69I-20.0022(3), F.A.C., is to make changes to the filing of claims for unclaimed property owned by decedents. The purpose and effect of proposed rule amendments to sub-subparagraph 69I-20.0022(3)(a)3.a., F.A.C., is to make changes to Form DFS-UP-1243, Estate Affidavit. The purpose and effect of proposed rule amendments to paragraph 69I-20.0022(5)(c), F.A.C., is to make changes to the filing of claims for unclaimed property owned by dissolved corporations. The purpose and effect of proposed Rule 69I-20.0023, F.A.C., is to provide for the filing of database search results with claims for unclaimed property. The purpose and effect of proposed rule amendments to Rule 69I-20.0027, F.A.C., is to provide how conflicting claims shall be paid. The purpose and effect of proposed rule amendments to Rule 69I-20.030, F.A.C., is to add additional definitions. The purpose and effect of proposed Rule 69I-20.0035, F.A.C., is to provide for safe deposit box contents reporting. The purpose and effect of proposed rule amendments to Rule 69I-20.036, F.A.C., is to provide requirements for the remitting of safe deposit box contents. The purpose and effect of proposed Rule 69I-20.050, F.A.C., is to establish a procedure. The purpose and effect of proposed Rules 69I-20.071-.080, F.A.C., is to establish disciplinary guidelines.

SUMMARY: Rule 69I-20.001, F.A.C.: Sections 717.117(8) and 717.1400, Florida Statutes, require that a Florida private investigator, a Florida accountant or a Florida attorney must be registered with the Department in order to file claims, purchase unclaimed property, receive fee distributions, and obtain social security numbers. The proposed rule incorporates by reference into the Department's rules the application forms in order to register with the Department.

Rule 69I-20.0021, F.A.C.: The rule amendments: (a) incorporate by reference into the Department's rules the notices that are sent regarding claims that require additional

information. The notices assist the Department in its efforts to obtain information which may result in the approval of the claim; (b) incorporate by reference into the Department's rules amended claim forms; (c) incorporate by reference into the Department's rules the full disclosure form; and (d) clarify how the contents of safe deposit boxes are to be shipped to the claimant. As an alternative to picking up the contents of a safe deposit box valued at ten thousand dollars (\$10,000) or more, the claimant must arrange for the shipping of the contents of the safe deposit box at the expense of the claimant. If the value of the contents of the safe deposit box is less than ten thousand dollars (\$10,000) and a common carrier will accept delivery, the Department will ship the contents.

Subsection 69I-20.0022(2), F.A.C.: The proposed rule amendment incorporates by reference into the Department's rules the notarized sworn statement.

Subsection 69I-20.0022(3), F.A.C.: The proposed rule amendment clarifies what is required to be filed if the owner of the unclaimed property is deceased. For aggregate unclaimed property amounts of over \$5,000.00, the decedent's estate must be probated unless the decedent's estate has been previously administered. If the estate has been previously administered, the claim must include a certified copy of a court order which identifies the recipients of the decedent's property and their percentage interest in the estate. If such an order is not available, the claimant must submit a copy of documents from the probate court file from which the identity and proportional entitlement of each can be determined. For aggregate unclaimed property amounts of \$5,000.00 or less, Form DFS-UP-1243, Estate Affidavit, may be used regardless of whether the decedent's estate has been probated in the past.

Sub-subparagraph 69I-20.0022(3)(a)3.a., F.A.C., Form DFS-UP-1243, Estate Affidavit: The proposed rule amendment modifies the Estate Affidavit so that the claimant will specify on what basis the claimant is a recipient under the intestacy statutes. The claimant will also be required to state that all persons who are listed before the claimant, as being entitled to the decedent's estate under the applicable intestacy statute recipients, are deceased.

Paragraph 69I-20.0022(5)(c), F.A.C.: The proposed rule amendment clarifies that the claimant must prove a connection to the dissolved corporation and specifies what must be filed with the Department when filing a claim for unclaimed property owned by a dissolved corporation. As an alternative to filing a certified copy of the last corporate filing reflecting the officers and directors of the corporation, the claimant must provide the Department with the state of incorporation's web site address if the same information is available on the Internet site. As an alternative to a bankruptcy search, the claimant must provide the Department with the results of a Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search, in the bankruptcy court of the state and

district of incorporation and where the main office is located, if different. The claim must provide the results of a CM/ECF or a PACER search by both the corporate name and by tax identification number. The rule amendments also require bankruptcy information to be provided if the dissolved corporation has been a debtor in bankruptcy. If the bankruptcy estate is open or if the bankruptcy estate is reopened, the unclaimed property will be remitted to the bankruptcy estate.

Rule 69I-20.0023, F.A.C.: The proposed rule provides that a claimant, or a claimant's representative, may submit the results of a database search with the claim for unclaimed property.

Rule 69I-20.0027, F.A.C.: The proposed rule amendment provides how conflicting claims are to be paid.

Rule 69I-20.030, F.A.C.: The proposed rule amendment provides the definitions of the following terms: "approximate value", "electronic medium", and "auction fees, preparation costs, and expenses."

Rule 69I-20.035, F.A.C.: The proposed rule provides a form for the reporting of safe deposit box contents.

Rule 69I-20.036, F.A.C.: The proposed rule amendments specify safe deposit box shipping requirements, allow additional time to ship the contents of safe deposit boxes to the Department, and require holders to notify the Department in writing within 120 days of the filing of the report that the safe deposit box contents have either been claimed by the owner or have no commercial value and will not be remitted to the Department by the holder.

Rule 69I-20.050, F.A.C.: The proposed rule establishes a voluntary disclosure agreement procedure.

Rule 69I-20.071-.080, F.A.C.: The proposed rules establish the penalty guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory 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: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 92.525, 117.05, 717.117, 717.119, 717.1201, 717.124, 717.12403, 717.12404, 717.12405, 717.1241, 717.1242, 717.1243, 717.125, 717.126, 717.1261, 717.1262, 717.132, 717.1322, 717.134, 717.1341, 717.135, 717.1351, 717.139, 717.1400, 732.102, 732.103 FS.

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

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

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., 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 RULES IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, Division of Legal Services, Suite 464, The Fletcher Building, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)410-9461

THE FULL TEXT OF THE PROPOSED RULES IS:

69I-20.001 Registration.

Sections 717.117(8) and 717.1400, F.S., requires that, in order to file claims as a Claimant's Representative, acquire ownership or entitlement to unclaimed property, and receive a distribution of fees and costs from the Department, private investigators licensed to practice in the State of Florida, certified public accountants licensed to practice in the State of Florida and attorneys licensed to practice in the State of Florida must register with the Department.

(1) To register with the Bureau of Unclaimed Property a private investigator licensed to practice in the State of Florida must file a duly completed and executed, Form DFS-UP-140, Application for Registration as an Unclaimed Property Claimant Representative – Florida Private Investigator, effective _____, and must provide the documents specified in the form.

(2) To register with the Bureau of Unclaimed Property a certified public accountant licensed to practice in the State of Florida must file a duly completed and executed, Form DFS-UP-142, Application for Registration as an Unclaimed Property Claimant Representative – Florida Certified Public Accountant, effective _____, and must provide the documents specified in the form.

(3) To register with the Bureau of Unclaimed Property an attorney licensed to practice in the State of Florida must file a duly completed and executed, Form DFS-UP-141, Application for Registration as an Unclaimed Property Claimant Representative – Florida Attorney, effective _____, and must provide the documents specified in the form.

(4) The forms referred to herein are hereby incorporated by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.135, 717.1351, 717.1400 FS. History–New _____.

69I-20.0021 Procedures for Filing Claim.

(1) Claims Submission. Claims for unclaimed property in the custody of the Department, pursuant to Chapter 717, F.S., shall be submitted to the Department on the form(s) prescribed and supplied by the Department, together with documentation

~~proving entitlement to the unclaimed property supporting the claim.~~ All forms referenced in this rule are available from and shall be submitted to: The Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

(a) ~~Only complete claims shall be filed with the Department. The Department will only accept and review claims that are complete.~~

(b) A complete claim shall include the correct claim form identified in this rule, fully completed with all blanks filled in and manually signed and dated by all claimants or the Claimants' Representative, proof of entitlement, and all supporting documentation as described and required by this rule, and Rule 69I-20.0022, F.A.C.

(c) Claims meeting the requirements of paragraph (b) above shall be deemed complete.

(d) Incomplete claims delivered to the Department will be returned to the claimant with a notice letter describing the additional documentation that must be submitted to make the claim complete. The notices are Form DFS-UP-106a, Unclaimed Property Request for Further Information (Apparent Owner), Form DFS-UP-106b, Unclaimed Property Request for Further Information (Business), Form DFS-UP-107a, Unclaimed Property Request for Further Information (Other Than Apparent Owner), and Form DFS-UP-108a, Unclaimed Property Request for Further Information (Claimant's Representative), which are hereby incorporated by reference, effective _____.

(e) The claim may be refiled at any time.

(2) Claim Determination. The Department will only review the merits of a claim that has been deemed complete as filed. ~~The Within 90 days of receipt of the fully completed and duly executed claim for unclaimed property, the Department will determine whether the claimant has established ownership and entitlement to the unclaimed property.~~

(a) If the claim is approved, the proceeds will be delivered as set forth in subsection ~~(10)(11).~~

(b) If the claim is denied, written notice containing rights to request a hearing as provided in Sections 120.569 and 120.57, F.S., will be mailed to the claimant or the Claimant's Representative at the address provided in the claim. ~~The claim will be denied without prejudice and may be refiled at any time.~~

(3) Withdrawal of Claim. A claimant or a Claimant's Representative may make a written request, including email or facsimile transmission, that a claim be withdrawn at any time, except as provided in Section 717.1241, F.S.

(4) Claims Filed by Apparent Owner, (including Corporations).

(a) Claims by apparent owners for unclaimed property shall be submitted on Form DFS-UP-106, entitled Claim by Apparent Owner, which is hereby incorporated by reference, effective _____ revised 10-1-01.

(b) Form DFS-UP-106 shall be manually signed and dated by the claimant and accompanied by the following:

1. Personal identification of the claimant as provided in subsection 69I-20.0022(2), F.A.C.

2. Proof demonstrating that the claimant is the owner and is entitled to the claimed property as required by Rule 69I-20.0022, F.A.C. When ownership is claimed by an entity, personal identification of the entity representative as provided by subsection 69I-20.0022(2), F.A.C., is also required. Personal identification of the entity representative is not required if the entity is an active Florida corporation, ~~the entity representative is a corporate officer listed on the Florida Secretary of State's website, and the property is to be mailed to the corporate address listed on the website.~~

(5) Claims Filed by Other than Apparent Owners.

(a) Claims for unclaimed property filed by someone other than the apparent owner, for example, an heir, personal representative, or beneficiary, shall be submitted on Form DFS-UP-107, entitled Claim by Other than Apparent Owner, which is hereby incorporated by reference, effective _____ revised 10-1-01.

(b) Form DFS-UP-107 shall be manually signed and dated by the claimant and accompanied by the following:

1. Original documentation establishing such person's right to act on behalf of the owner.

2. The name, address, taxpayer identification number (if available), and telephone number (if available), of the beneficiary, heir or personal representative for whom payment is sought.

3. Personal identification as provided by subsection 69I-20.0022(2), F.A.C., of the beneficiary, heir, ~~or~~ personal representative, or, in the case of a Purchase Agreement, of the buyer and owner for whom payment is sought.

4. Proof demonstrating that the estate beneficiary or heir is entitled to the unclaimed property consistent with Rule 69I-20.0022, F.A.C.

5. If applicable, the original Purchase Agreement signed and dated by the owner and the buyer pursuant to Section 717.1351, F.S.

6. Full disclosure must be provided on a duly completed and executed, Form DFS-UP-143, Florida Department of Financial Services Full Disclosure Form, which is hereby incorporated by reference, effective _____. The original disclosure form must be filed with the Department. The disclosure form and the purchase agreement must be signed and dated on the same day.

(6) Claims Filed by Claimant's Owner's Representative.

(a) All claims for unclaimed property filed by a Claimant's an Owner's Representative shall be submitted on Form DFS-UP-108, entitled Claim by Claimant's Owner's Representative, which is hereby incorporated by reference, effective _____ revised 10-1-01.

(b) Form DFS-UP-108 shall be manually signed and dated by the person(s) filing the claim and accompanied by the following:

1. Original Recovery Agreement signed and dated by the claimant and establishing the Claimant's Representative pursuant to Section 717.135, F.S. Owner's Representative's right to act on behalf of the claimant owner.

2. The name, address, taxpayer identification number (if available), and telephone number (if available), of the person or entity for whom payment is sought.

3. Personal identification of the person(s) ~~or entity~~ for whom payment is sought as provided in subsection 69I-20.0022(2), F.A.C. When ownership is claimed by an entity, personal identification of the entity representative is also required as provided in subsection 69I-20.0022(2), F.A.C., must be filed, unless the entity is an active Florida corporation, ~~the corporate representative is listed as an officer of the corporation on the Secretary of State's website, and the property is to be mailed to the corporate address listed on the website.~~

4. Proof demonstrating that the person(s) or entity being represented is entitled to the property being claimed consistent with Rule 69I-20.0022, F.A.C.

(c) Claimant's Owner's Representative Fee Caps.

1. The Agreement between the claimant owner and the Claimant's Owner's Representative shall reflect the total fee charged by the Representative for the account(s) listed on the claim form and the Recovery Agreement.

2. The Agreement between the claimant owner and the Claimant's Owner's Representative shall contain either full disclosure or fee caps.

3. Full disclosure must be provided on a duly completed and executed, Form DFS-UP-143, Florida Department of Financial Services Full Disclosure Form, which is hereby incorporated by reference, effective _____. The original disclosure form must be filed with the Department. The disclosure form and the recovery agreement must be signed and dated on the same day, will be recognized by the Department when the following language, fully completed with all appropriate blanks filled in, is conspicuously, and as a single statement, incorporated within the Agreement as follows:

FULL DISCLOSURE STATEMENT

Pursuant to Chapter 717, F.S., this unclaimed property is currently being held by the Florida Department of Banking and Finance. The person/entity that reported it to the state is (XYZ Corporation). The person/entity's last date of contact with the apparent owner was (mm/dd/yy). The property consists of (\$ ## of shares/SDB contents -- list contents), from (type of property -- deposit/wages/etc.). The property has an approximate value of:

4. ~~If full disclosure is not made, and the Agreement between the claimant owner and the Claimant's Owner's Representative contains fees that exceed statutory caps, the Department will deny the claim pay only the statutory fee caps. If the value of the property is less than \$ 25.00, only the value of the property will be paid.~~

5. Fees will be paid when the value of all approved accounts associated with the Agreement have been determined as follows:

a. Cash accounts – The value of cash accounts will be determined when posted to the account.

b. Securities – If the security is transferred to the claimant's brokerage owner/broker's account, value of securities will be determined as of the close of business on the date of the transfer.

c. Tangible Personal Property – The value of tangible personal property accounts shall be based on the appraised shipping value at the time the property is prepared for transfer to the claimant owner or Owner's Representative. ~~A letter indicating the appraised value will be sent to the owner and the Owner's Representative.~~

6. Contracts for the recovery of small estate accounts pursuant to Section 717.1243, F.S., by Estate Affidavit (Form DFS-UP-1243), in lieu of probate, are subject to Section 717.135(1), F.S.

(7) Claims Filed by Holders of Unclaimed Property Paid or Delivered to the Department.

(a) Claims for unclaimed property filed by a holder shall be submitted on Form DFS-UP-110, Claim Filed by Holder, which is hereby incorporated by reference, effective _____ revised 10-1-01.

(b) Form DFS-UP-110 shall be manually signed and dated by the authorized representative of the holder.

(8) Claim by Other States.

(a) The Claims for unclaimed property filed by another state shall be submitted on Form DFS-UP-131, Claim by Other States, which is hereby incorporated by reference, effective _____ revised 10-1-01.

(b) Form DFS-UP-131 shall be manually signed and dated by the authorized representative of the state filing the claim.

(9) Claims for Reimbursement of Costs by Holders of Safe Deposit Boxes or Other Safekeeping Repositories.

(a) This subsection applies to claims for reimbursement filed by holders of unclaimed property for their actual costs of the opening of safe deposit boxes and for any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The claim shall be submitted on Form DFS-UP-112, entitled Safe Deposit Reimbursement Claim Form, which is hereby incorporated by reference, effective _____ revised 10-1-01.

(b) Form DFS-UP-112 shall be manually signed and dated by an authorized representative of the holder.

(c) Form DFS-UP-112 shall not be filed with the Department prior to the date of the sale of the contents of the safe deposit box or other safekeeping repository.

~~(10) Form DFS-UP-105, Missing Assets, which is hereby incorporated by reference, effective 10-1-01, can be downloaded from the Department's website at www.dbf.state.fl.us and used by apparent owners and other than apparent owners (but not Owner's Representatives) to submit claims for unclaimed property.~~

~~(10)(H) Payment and Delivery of Property.~~

~~(a) Payment and Delivery when Claim is Filed by person entitled to the unclaimed property Owner.~~

~~1. Cash. The Department will issue and mail a warrant payable to the claimant.~~

~~2. Securities. The Department will liquidate all securities issues which can be sold as soon as practicable, unless the security cannot be sold due to market conditions liquidity, current valuation or ongoing corporate activity. Payment will be provided as follows:~~

~~a. If the securities have been liquidated, payment of the cash proceeds will be made by warrant and mailed to the claimant's owner's address.~~

~~b. For Securities that cannot be sold due to market conditions and can be certificated, the Department will request, in writing, a certificate be issued for the number of shares due the claimant and the certificate in a claimed account, for which liquidation has not been requested, will be registered in the claimant's owner's name, unless the claimant requests, in writing that the securities be and transferred electronically to the claimant's owner's existing brokerage, mutual fund or other securities type account, provided the information required by the securities industry is available at the time the claim is filed. If the security can be certificated and delivery of the certificate is requested, the certificate will be mailed to the owner. The information required by the securities industry for electronic transfer could include the broker or agent's DTC number (Depository Trust Corporation), ABA number (American Banker's Association), the claimant's brokerage, mutual fund, or other securities type owners' account number and account registration.~~

~~c. Certificated securities that cannot be sold, due to market conditions based on market liquidity, current valuation or ongoing corporate activity will be registered in the name of the claimant's name owner and mailed to the claimant's address.~~

~~d. For Non-certificated securities that cannot be sold due to market conditions and can not be certificated, the Department will make an attempt to liquidity, current valuation or ongoing corporate activity but can be electronically transferred, will be electronically transferred the securities to the claimant's an owner's brokerage, or mutual fund, or other securities type account, if providing the information required by the securities industry is provided at the time the claim is filed.~~

~~e. Securities that cannot be sold, certificated or electronically transferred to an owner's brokerage account will not be paid. Written notice will be provided to the owner.~~

~~f. All securities will be registered according to industry standards.~~

~~3. Tangible Personal Property.~~

~~a. If the property is valued at has a value of less than ten thousand dollars (\$10,000); and can if it will be accepted for delivery by a common carrier, the property will be shipped mailed to the owner at the address listed on the claim.~~

~~b. If the property is valued at has a value of ten thousand dollars (\$10,000) or more greater, or the property cannot it will not be accepted for delivery by a common carrier, the Department will advise the claimant owner of the award by letter, and make the property available for pickup during normal business hours at the Department's offices in Tallahassee, Florida.~~

~~i. The claimant owner must produce the award letter and a personal picture identification in order to claim the property at the Department's Tallahassee address.~~

~~ii. Anyone other than the owner must produce the award letter, written authorization to receive the property signed by the owner and notarized, and personal picture identification in order to receive the property at the Department's Tallahassee address.~~

~~iii. Receipt of the property must be acknowledged in writing by the person receiving the property by a signed receipt.~~

~~iii.iv. If the property is not collected at the Department's Tallahassee office within ninety (90) days of the date on the award letter, it may be offered for sale at the next auction and the proceeds delivered the same as cash in paragraph (11)(a) above.~~

~~c. If the property is valued at ten thousand dollars (\$10,000) or more, the claimant must arrange with a common carrier to pick up the property during normal business hours at the Department's office in Tallahassee, Florida. All claimant's communications with the Department regarding how the property is to be delivered to the claimant must be in writing. Upon request, the Department will provide the claimant with the appraised shipping value.~~

~~(b) Payment and Delivery of Claims filed by Claimant's Owner's Representative.~~

~~1. Cash – Payment of cash will be made to claimants owners by warrant, net of the Claimant's Owner's Representative's fees, and mailed to the claimant owner. Payment of fees to Claimant's Owner's Representatives will be made electronically at least twice a month provided a completed Form DFS-AA-26E, incorporated by reference in Rule 69I-22.002, F.A.C., is provided.~~

2. Securities – The Department will liquidate all securities issues that can be sold as soon as practicable, unless the security cannot be sold due to market conditions liquidity, current valuation or ongoing corporate activity. Payment will be provided as follows:

a. If the securities have been liquidated, payment of the cash proceeds will be made as set forth in subparagraph (10)(b)1. ~~(11)(b)1.~~ above.

b. ~~For Certified securities that cannot be sold due to market conditions and can be certificated, the Department will request, in writing, that a certificate be issued for the number shares due the claimant, and liquidity, current valuation or ongoing corporate activity will be registered in the name of the claimant, unless the claimant requests, in writing with notice to the Claimant's Representative, the Department electronically transfer the shares to a brokerage, mutual fund or other securities type account and the information required by the securities industry to make the transfer is provided by the claimant owner and mailed to the Owner's Representative with notice to the owner.~~

c. If the security can be certificated and delivery of the certificate is requested, in writing, by the claimant owner and the Claimant's Owner's Representative, the security will be registered in the claimant's owner's name and the certificate will be mailed to the Claimant's Owner's Representative with notice to the claimant owner.

d. ~~For Non-certification securities that cannot be sold due to market conditions and can not be certificated, the Department liquidity, current valuation, or ongoing corporate activity will be registered in the name of the owner and transferred make an attempt to electronically transfer the securities to the claimant's an owner's brokerage, or mutual fund, or other securities type account, if the information required by the securities industry is provided at the time the claim is filed. Such information could include the broker or agent's DTC number (Depository Trust Corporation), ABA number (American Banker Association), the claimant's owner's account number and account registration. If such information is not available at the time the claim is to be paid, written notice will be provided to the Claimant's Owner's Representative, who must provide the information. The security for which such information is required will not be paid until the information is provided. When the security is paid, the owner and the Claimant's Owner's Representative will receive written notice of the transfer.~~

e. ~~Securities that cannot be electronically transferred to a brokerage or mutual fund account, but can be certificated, will be registered in the name of the owner. The certificate will be mailed to the Owner's Representative, with written notification to the owner.~~

~~e.f.~~ Securities that cannot be sold, electronically transferred, or certificated, will not be paid. Written notice will be provided to the claimant owner and the Claimant's Owner's Representative.

~~f.g.~~ All securities will be registered according to industry standards.

Specific Authority 717.138 FS. Law Implemented 92.525,717.1201, 717.124, 717.12403, 717.12404, 717.12405, 717.1242, 717.1243, 717.125, 717.126, 717.1261, 717.1262, 717.135, 717.1351, 717.139 FS. History--New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, Formerly 3D-20.0021, Amended _____.

69I-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) No change.

~~(2) Claims by Apparent Owner.~~ Any and all persons claiming an interest in unclaimed property in the possession of the Department shall file with the Department a copy of a valid driver's license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver's license at the time the original claim form is filed, the Department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States or a foreign nation, a state or territory of the United States or foreign nation, or a political subdivision or agency thereof current drivers license showing the full name and current address of such person or persons. In the event that a current drivers license is not available, another form of identification showing full name and current address of such person or persons shall be filed with the Department. In lieu of filing a copy of a government issued photographic identification of the claimant with the claim, the claimant or the Claimant's Representative may file Form DFS-UP-144, Notarized Sworn Statement of the Claimant, which has been accurately completed in full, executed by the claimant and the notary. This form is incorporated by reference effective _____ and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. The notarized sworn statement must accurately affirm the claimant's identity and state the claimant's address. This subsection shall not apply to any person who is acting as an Claimant's Owner's Representative.

(3) Claims by Beneficiaries or Estates.

(a) If the apparent owner is deceased, the claim must include a certified copy of the decedent's death certificate, as well as the following:

1. Open Estates – Records, certified by the clerk of court within one (1) year of the date of filing the claim with the Department, reflecting the personal representative's right to act for the estate of the apparent owner.

2. Closed Estates – ~~A certified copy of a Attach~~ a probate court order, certified by the clerk of court within one (1) year of the date of filing of the claim with the Department, identifying the beneficiaries and the proportional entitlement

of each to the estate. If a court order, identifying the beneficiaries and the proportional entitlement of each to the property of the estate is not available, the claimant must submit those documents from the probate court file from which this information may be determined. Typically, this information may be obtained from the decedent's will, if one exists, and the Order admitting the will to probate; the Petition for Administration; or the Petition for Discharge with exhibits. If any such combination of documents is submitted, they must be accompanied by a copy of the Order of Discharge and the docket sheet. In no event is the will standing alone, sufficient.

3. Unclaimed Property with Aggregate value of \$5,000.00 or Less. – If all Will Never Probated – If an owner died with a will, but the will was not probated, and

a. All of the unclaimed property held by the Department on behalf of a deceased apparent the owner has an aggregate value of \$5,000 or less, as an alternative to paragraph (3)(a)2., the claimant may file a A copy of the will, if the decedent had a will, and an affidavit signed by all the beneficiaries stating that all the beneficiaries have amicably agreed upon a division of the estate, that no probate proceedings are pending for the estate, and that all funeral expenses, expenses of the last illness and other lawful claims have been paid. The affidavit shall be submitted on Form DFS-UP-1243, Estate Affidavit, effective _____ revised 10/1/01, which is hereby incorporated by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. No partial payments shall be made.

b. If the aggregate value of the unclaimed property held by the Department is more than \$5,000, a probate estate administration must be opened and a current certified copy of a court order identifying either the personal representative, or, in the case of a summary administration, the beneficiaries and the proportional share of each to the estate, must be submitted to the Department.

4. No Will and No Administration.

a. All of the unclaimed property held by the Department on behalf of the owner has an aggregate value of \$5,000 or less and the estate was never probated, a beneficiary may file an affidavit signed by all the beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate, that no probate proceedings have been instituted upon the estate, and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid. The affidavit shall be submitted on Form DBF-UP-1243. No partial payments shall be made.

b. If the aggregate value of the unclaimed property held by the Department is \$5,000 or more, a probate administration must be opened and a certified copy of a court order identifying either the personal representative or, in the case of a

summary administration, the beneficiaries and their proportional interests in the estate must be submitted to the Department.

(4) Claims for Guardianship Assets.

(a) The claim must be filed by the court appointed guardian or Claimant's Owner's Representative, who must provide a court order evidencing the guardian's existing authority to act on behalf of the ward, certified by the clerk of court within one (1) year of filing the claim with the Department, along with the guardian's name, address and social security number.

(b) The warrant will be made payable to "Guardian For" the ward.

(5) Claims for Business Accounts. Any person claiming an interest in an unclaimed business account in the possession of the Department as an official of the business shall file with the Department the following:

(a) If the unclaimed business account relates to a proprietorship or a partnership then:

1. Documentation to reflect that the apparent owner is the same proprietorship or partnership, and

2. Documentation reflecting the individual's authorization to file a claim for the proprietorship's or partnership's unclaimed property.

3. Personal identification shall be provided as specified in subsection (2) of this rule.

(b) If the unclaimed business account relates to an active corporation:

1. The last annual report of the corporation if it is available from the Internet site of the Florida Department of State. The claimant must furnish the Department with a printout from the Florida Department of State Internet site identifying the officers and directors of the corporation. If the last annual report of the corporation is not available from the Internet site of the Florida Department of State, the claimant shall file a microfiche copy of the records on file with the Florida Department of State. If microfiche from the Florida Department of State is not available, the claimant may furnish to the Department a uniform resource locator (U.R.L.) for the address of a free Internet site operated by the state of incorporation of the corporation that provides access to the last corporate filing identifying the officers and directors of the corporation. The claimant must furnish the Department with a printout from the free Internet site identifying the officers and directors of the corporation. If the free Internet site is not available, an authenticated copy of the last corporate filing Certification, within one (1) year of the filing of the claim, from an appropriate state official of the state of incorporation shall be provided to the Department which identifies to reflect the officers and directors of the corporation. In the case of a Florida Corporation, a copy of the most recent filing with the Florida Secretary of State shall be provided.

2. Unless the corporate representative is listed as an officer or director of the corporation ~~on the Secretary of State's corporate website~~, evidence to reflect the claimant's right to act on behalf of the business. Letterhead and business cards alone will not be sufficient to meet the required burden of proof. For example:

a. Signed and dated statement by an officer or director of the corporation, other than the person signing the claim, authorizing the individual authority to file the claim.

b. Bylaws of the corporation identifying the person signing the claim as occupying a position with authority to contractually bind the corporation.

c. Corporate resolution authorizing the person signing, to file the claim on behalf of the corporation.

~~3. Personal identification as specified in subsection (2) of this rule, unless the claimant is an active Florida corporation, the corporate representative is listed as an officer of the corporation on the Secretary of State's corporate website, and the property is to be mailed to the corporate address listed on the website.~~

~~3.4.~~ Documents evidencing ownership or entitlement to the account. Letterhead and business cards alone will not be sufficient to meet the required burden of proof. Examples of other documentary evidence include: evidence that the corporation is the sole corporation that has operated under the reported name; utility bills, canceled checks or deposit slips, copies of annual reports, sales or marketing materials that would identify the corporation and match one of the account identifiers, copy of an occupational license issued to the corporation, price lists, bank statements, loan papers, etc., documents in the corporation's name which establish a relationship with a bank, tax filings, including annual tax returns, quarterly employee withholding filings, employee tax filing records such as W-2 or W-4 forms (with personal information redacted), sales tax filings, other tax filings or bills, financial statements (audited), SEC filings (other than those which are public records), company identification cards, insurance documentation – property and casualty, health and workers' compensation insurance policies, claim forms, premium statements, benefit membership cards.

~~(c)1.~~ If the unclaimed business account is that of a dissolved corporation, the claimant must specify the corporation's state of incorporation and its last principal business address. The claimant must provide a certified copy of the last corporate filing identifying the officers and directors of the corporation. This document must be obtained ~~If the unclaimed business account is for a dissolved corporation, then certification from an appropriate authorized state official of the state of incorporation, certified within one (1) year of the filing of the claim, shall be provided to the Department to reflect the last corporate filing. A certified copy of the last corporate filing shall not be required if:~~

a. The last annual report of the corporation if it is available from the Internet site of the Florida Department of State. The claimant must furnish the Department with a printout from the Florida Department of State Internet site identifying the officers and directors of the corporation.

b. If the last annual report of the corporation is not available from the Internet site of the Florida Department of State, the claimant shall file a microfiche copy of the records on file with the Florida Department of State.

c. If microfiche from the Florida Department of State is not available, the claimant may furnish to the Department a uniform resource locator (U.R.L.) for the address of a free Internet site operated by the state of incorporation of the corporation that provides access to the last corporate filing identifying the officers and directors of the corporation. The claimant must furnish the Department with a printout from the free Internet site identifying the officers and directors of the corporation.

~~2.~~ The Appropriate evidence shall be provided must prove to reflect that the dissolved corporation is the same corporation as shown on the Department's records. The and appropriate evidence must prove that shall be provided to reflect the claimant is entitled to all or a proportional share of the dissolved corporation or that the claimant is an officer or director of the corporation. It is not sufficient that the claimant has the same name as that of an officer or director of the dissolved corporation. The claimant must demonstrate a connection to the dissolved corporation. Subparagraph (5)(b)4. herein provides examples of documents which may establish a connection between the claimant and the dissolved corporation.

3. A claim for an unclaimed business account of a dissolved corporation must indicate whether the dissolved corporation has ever been a debtor in bankruptcy. If the dissolved corporation has ever been a debtor in bankruptcy, the claim must identify the bankruptcy chapter under which the bankruptcy case proceeded. The claim must also identify the location of the bankruptcy court, the case number, and the address and telephone number of the Office of the U.S. Trustee in that jurisdiction. If no bankruptcy proceedings of the dissolved corporation are known, the claim must either provide the results of a bankruptcy court web site Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search. The CM/ECF or PACER search must be conducted in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The claim must provide the results of both a search by corporate name and a search by tax identification number, if available, for the state and district of incorporation and the location of the main office, if different. As an alternative to the CM/ECF or PACER search, the claim must provide a completed United States Bankruptcy Court Application for

Search of Bankruptcy Records shall be provided to the Department from the state and district of incorporation, and from the district where the main office is located, if different.

4. The Office of the U.S. Trustee or the trustee will be contacted by the Department if the dissolved corporation was a debtor in a closed Chapter 7 bankruptcy case and the aggregate value of the unclaimed property is greater than \$2,500.00. If the bankruptcy case is reopened, the unclaimed property will be remitted to the bankruptcy trustee.

5. Unclaimed property will be remitted to the bankruptcy trustee for a corporation in a pending bankruptcy case unless the debtor is in possession of the bankruptcy estate. If the debtor is in possession of the bankruptcy estate, the unclaimed property will be remitted to the debtor corporation.

6. Personal identification shall be provided as specified in subsection (2) of this rule.

Specific Authority 717.138 FS. Law Implemented 92.525, 117.05, 717.124, 717.12403, 717.12404, 717.12405, 717.1242, 717.1243, 717.126, 717.1261, 717.1262, 717.139, 732.102, 732.103 FS. History—New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, Formerly 3D-20.0022, Amended _____, Cf. 11 U.S.C. ss. 541, 542

69I-20.0023 Database Submissions.

(1) A claimant, or a claimant's representative, may submit the results of a database search for the Department to consider with the claim for unclaimed property.

(2) In the event that the claim is denied, and a hearing is requested by the claimant or the claimant's representative, the evidentiary requirements of Sections 120.569 and 120.57, F.S., shall apply to the results of a database search.

(3) Unless otherwise provided by Florida law, the results of a database search shall be public record in accordance with Section 119.07, F.S.

Specific Authority 717.138 FS. Law Implemented 717.124, 717.126 FS. History—New _____.

69I-20.0027 Payment of Conflicting Claims.

When ownership has been established but conflicting claims have been received by the Department, the property shall be remitted to the person submitting the first claim received by the Department in accordance with Subsection 717.1241(1).

(1) Example One:

(a) On January 1st a claim is filed by Claimant Representative "A". Entitlement is not established by the documents filed by Claimant Representative "A".

(b) On January 2nd a claim is filed by Claimant Representative "B". Entitlement is established by the documents filed by Claimant Representative "B".

(c) On January 3rd Claimant Representative "A" files documents with the Department that establish entitlement.

(d) The claim filed by Claimant Representative "B" shall be approved because it is the first claim received that establishes entitlement. The claim filed by Claimant Representative "A" shall be denied.

(2) Example Two:

(a) On January 1st a claim is filed by Claimant Representative "A". Entitlement is not established by the documents filed by Claimant Representative "A".

(b) On January 2nd Claimant Representative "A" files documents with the Department that establish entitlement.

(c) On January 3rd a claim is filed by Claimant Representative "B". Entitlement is established by the documents filed by Claimant Representative "B".

(d) The claim filed by Claimant Representative "A" shall be approved because it is the first claim received that establishes entitlement. The claim filed by Claimant Representative "B" shall be denied.

(3) Example Three:

(a) On January 1st a claim is filed by Claimant Representative "A". Entitlement is not established by the documents filed by Claimant Representative "A".

(b) On January 2nd Claimant "B" files documents with the Department that establish entitlement. The documents include an agreement to purchase the unclaimed property and a copy of "B's" check to the apparent owner of the unclaimed property evidencing the payment of consideration for the unclaimed property.

(c) On January 3rd Claimant Representative "A" files documents with the Department that establish entitlement.

(d) The claim filed by Claimant "B" shall be approved because it is the first claim received that establishes entitlement. The claim filed by Claimant Representative "A" shall be denied.

(4) Example Four:

(a) On January 1st Claimant "A" files documents with the Department that do not establish entitlement. The documents include an agreement to purchase the unclaimed property from the apparent owner. The documents do not include a copy of "A's" check to the apparent owner of the unclaimed property evidencing the payment of consideration for the unclaimed property.

(b) On January 2nd a claim is filed by Claimant Representative "B". Entitlement is established by the documents filed by Claimant Representative "B".

(c) On January 3rd Claimant A files a copy of "A's" check to the apparent owner of the unclaimed property evidencing the payment of consideration for the unclaimed property.

(d) The claim filed by Claimant Representative "B" shall be approved in the amount of "B's" fees because it is the first claim received that establishes entitlement. Claimant "A's" claim shall be approved for the balance of the funds.

(5) Example Five:

(a) On January 1st a claim is filed by Claimant Representative "A". Entitlement is established by the documents filed by Claimant Representative "A".

(b) On January 2nd Claimant "B" files documents with the Department that establish entitlement. The documents include an agreement to purchase the unclaimed property and a copy of "B's" check to the apparent owner of the unclaimed property evidencing the payment of consideration for the unclaimed property.

(c) The claim filed by Claimant Representative "A" shall be approved in the amount of "A's" fees because it is the first claim received that establishes entitlement. Claimant "B's" claim shall be approved for the balance of the funds.

(6) Example Six:

(a) On January 1st a claim is filed by Claimant Representative "A". Entitlement is established by the documents filed by Claimant Representative "A".

(b) On January 1st Claimant "B" files documents with the Department that establish entitlement. The documents include an agreement to purchase the unclaimed property and a copy of "B's" check to the apparent owner of the unclaimed property evidencing the payment of consideration for the unclaimed property.

(c) The claim filed by Claimant "B" shall be approved. The Claim filed by Claimant Representative "A" shall be denied.

Specific Authority 717.138 FS. Law Implemented 717.124, 717.1241, 717.126 FS. History-New _____.

69I-20.030 Definitions.

As used in these rules.

(1) through (2) No change.

(3) "Presumed Unclaimed Abandoned" means the apparent owner has not indicated an interest in the property for the applicable prescribed period. The interest should be evidenced by communication by the owner with a record of same on file.

(4) through (7) No change.

(8) "Claimant's Owner's Representative" means a Florida ~~an~~ attorney-at-law, Florida-certified public accountant, or private investigator who investigative agency which is duly licensed to do business in Florida, registered with the Department, and who is authorized by the claimant owner to claim unclaimed property on the claimant's owner's behalf.

(9) "Entity Representative" means one who is legally authorized to represent a claimant that is not a natural person. As used in this definition, the phrase "entity representative" does not include a Claimant's an Owner's Representative.

(10) "Approximate value" or "approximate dollar value." for purposes of Sections 717.135 and 717.1351, F.S., means within 15% of the actual value. "Received," for purposes of Section 717.1241, F.S., means the date a claim was initially submitted to the Department, even if it is later determined to be incomplete. However, no claim shall be considered received pursuant to Section 717.1241, F.S., unless it is accompanied by

~~an executed claim form, an Agreement pursuant to Section 717.135, F.S. (where applicable), and some documentation supporting ownership or entitlement.~~

(11) "Electronic medium," for purposes of Section 717.117(1), F.S., means 3.5 inch Diskette or CD-ROM.

(12) "Auction fees, preparation costs, and expenses," for purposes of Section 717.122(1), F.S., means appraiser and contractor fees, catalogue fees, and travel expenses.

Specific Authority 717.138 FS. Law Implemented 717.102(1), 717.117, 717.1201(7), 717.122, 717.135, 717.1351, 717.139 FS. History-New 6-23-91, Amended 1-28-97, 4-16-02, Formerly 3A-20.030, Amended _____.

69I-20.035 Reporting Safe Deposit Box Contents.

Safe deposit box contents shall be reported by submitting a completed Form DFS-UP-155, Safe Deposit Box Inventory Form of Property Presumed Unclaimed, effective _____, hereby incorporated by reference and available from the Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

Specific Authority 717.117(1), 717.138 FS. Law Implemented 717.117 FS. History-New _____.

69I-20.036 Remitting of Safe Deposit Box Contents and Reimbursement of Expenses.

(1) All property presumed abandoned under Section 717.116, F.S., shall be delivered to the Department pursuant to Section 717.119, F.S. The delivery of the property, through the U.S. Mail or other carrier, shall be insured at an amount equal to the estimated value of the property. The package should be clearly marked on the outside "Deliver Unopened." A holder's safe-deposit box contents shall be delivered to the Department in a single shipment. In lieu of a single shipment, holders may provide the Department with a single detailed shipping schedule that includes package tracking information for all packages being sent pursuant to this section. The detailed shipping schedule shall specify the name of the apparent owner previously reported to the Department, the physical address of the safe deposit box whose contents are being remitted, and the name of a person who may be contacted regarding the report and the remittance of the safe deposit boxes.

(2) No change.

(3) Holders shall request reimbursement from the Department by submitting a completed Form DFS-UP-112, Safe Deposit Reimbursement Claim Form, effective _____, revise 10-1-01, hereby incorporated by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, Suite 330, Fletcher Building, Tallahassee, Florida 32399-0358 32399-0333.

(4)(a) All intangible and tangible property held in a safe deposit box or any other safekeeping repository and reported to the Department department pursuant to Section 717.117, F.S., shall be delivered to the Department department in accordance with Section 717.119(4), F.S. Delivery of property shall be

commenced 120 days after the report due date and completed within ~~180~~ 165 days after the report is due. In the event that the reporting date is postponed, the time periods specified in paragraph (4)(a) are extended for a period of time equal to the additional time given to the holder to report the unclaimed property.

(b) As used herein, delivery in accordance with Section 717.119(4), F.S., means actual delivery of the unclaimed property to ~~at~~ the offices of the ~~Department~~ department in Tallahassee, Florida, Fla. As proof of actual delivery holders may submit the registered mail return receipt.

(c) Within 120 days of the filing of the report, the ~~Department may~~ department will review reports submitted and notify the holder if the ~~Department~~ department declines to accept certain items as having insufficient value to warrant the expense of notice and sale.

(d) The holder must notify the Department in writing within 120 days of the filing of the report that the safe deposit box contents have either been claimed by the owner or have no commercial value and will not be remitted to the Department by the holder.

(5) No change.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.1201(7), 717.127 FS. History—New 6-23-91, Amended 8-24-98, 4-16-02, Formerly 3D-20.036, Amended _____.

69I-20.050 Voluntary Disclosure Agreements.

(1) The Department's goal is to collect and return unclaimed property to its rightful owners in accordance with the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S. To achieve these results, the Department is encouraging businesses ("Holders") inside and outside the State of Florida who are in possession of unclaimed property to comply with Florida's Unclaimed Property Law. This compliance can be achieved using a program called voluntary disclosure. This program provides the following benefits to a holder:

(a) It relieves the Holder of associated expense and liability holding unclaimed property;

(b) Penalties and fines are not assessed by the Department;

(c) The reach back period for the review of the Holder's records is five years instead of ten years; and

(d) The audit period for verification of the disclosure is two years from the date that the report and remittance is accepted by the Department.

(2) To participate in this program, the Holder must not:

(a) Be currently under examination; or

(b) Have filed an annual report of unclaimed property with the Department.

(3) The property to be disclosed must be unreported and unremitted unclaimed property due to the State of Florida. No property will be accepted on behalf of another state.

(4) Upon notification by the Holder or its agent that the Holder desires to participate in the program, the Bureau of Unclaimed Property ("Bureau") will mail a proposed voluntary disclosure agreement to the Holder or its agent. After the Holder and the Bureau have tentatively agreed to the terms and conditions of the voluntary disclosure agreement, the Holder must complete, execute and return the voluntary disclosure agreement to the Bureau with the following information:

(a) Name of entity, mailing address, contact person, telephone number, facsimile number and e-mail address of the contact person, federal employer identification number, and standard industrial code classification.

(b) The Holder's state of incorporation;

(c) The Holder's principal place of business (city and state);

(d) If the Holder's state of incorporation and principal place of business is outside of Florida, the Holder must provide a list detailing the cities in Florida where the Holder conducts business with the number of locations in each city, and;

(e) If the Holder has no locations within Florida, the Holder must so state.

(5) If the executed voluntary disclosure agreement is adopted and incorporated by reference into a final order of the Department, within the nine-month period from the entry of the final order, the Holder is obligated to submit a detail plan outlining the disclosure process to be completed by the Holder, the estimation calculations used by the Holder, and a report identifying the unclaimed property due to the Department. The unclaimed property remittance must accompany the report.

(6) Once the report and remittance have been reviewed and accepted by the Department, the Department will notify the Holder of the commencement of the two-year audit period.

Specific Authority 717.117(1), 717.138 FS. Law Implemented 717.117, 717.119, 717.129 FS. History—New _____.

69I-20.071 Purpose.

The purpose of Rules 69I-20.071 through 69I-20.070, F.A.C., is to implement the Department's duty to establish penalty guidelines for violations of Sections 717.1322 and 717.1341, F.S.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS. History—New _____.

69I-20.072 Penalty Guideline Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) "Administrative complaint" refers to formal administrative charges filed by the Department against a person. The charges consist of factual allegations with citations to violations of the Florida Disposition of Unclaimed Property Act, Chapter 717, Florida Statutes, Department rules or orders.

(2) "Aggregate final penalty" means the total of the final penalties against a person in one or more enforcement actions.

(3) “Count” refers to a series of one or more numbered paragraphs of factual allegations in an administrative complaint that are incorporated by reference under the word “Count” followed by a Roman numeral, which are set apart from other counts in an administrative complaint, and which if true would constitute a violation of the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S.

(4) “Convicted” means adjudicated guilty by a court.

(5) “Department” means the Florida Department of Financial Services.

(6) “Final penalty” means the penalty actually imposed on a person.

(7) “Penalty per count” means the total of the stated penalties in a count for each act, transaction or occurrence in violation of the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S.

(8) “Registrant” means a person who has satisfied the requirements of Section 717.1400, F.S., and whose registration is active.

(9) “Stated penalty” means the penalty set forth in Rules 69I-20.075 or 69I-20.076, F.A.C., for each act, transaction or occurrence in violation of the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S.

(10) “Total penalty” refers to the sum of the penalties for each count.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS. History–New _____.

69I-20.073 Calculating Penalty.

(1) Penalty Per Count. The Department is authorized to find that grounds exist under Section 717.1322, F.S., for disciplinary action based upon a single act, transaction or occurrence of misconduct by a person. “Penalty per count” means the total of the stated penalties in a count for each act, transaction or occurrence in violation of the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S.

(2) Total Penalty. Each penalty per count shall be added together and the sum shall be referred to as the “total penalty”.

(3) Final Penalty. The final penalty means the penalty which will be imposed against a person under these rules, as adjusted to take into consideration aggravating or mitigating factors, if any.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS. History–New _____.

69I-20.074 Prosecutorial Discretion.

(1) Stipulated Disposition. The provisions of this rule are intended and shall not be construed to limit the ability of the Department to informally dispose of disciplinary actions by stipulation, agreed settlement or consent order whether or not the Department has initiated administrative charges.

(2) Cease and Desist Orders and Orders to take Corrective Action. This rule chapter shall not preclude the Department from initiating an administrative action against registered or unregistered individuals as authorized by Section 717.132, F.S.

(3) Collateral Actions. The provisions of this rule chapter are not intended and shall not be construed to limit the ability of the Department to pursue or recommend collateral, civil or criminal actions where appropriate.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS. History–New _____.

69I-20.075 Stated Penalty Guidelines for Violation of Sections 717.1322 and 717.1341, F.S., by Registrants.

(1) If it is found that a registrant has violated any of the following subsections of Section 717.1322, F.S., the following stated penalty guidelines shall apply for each act, transaction or occurrence. The penalty imposed within the range of penalties should be based upon the severity of the violation. It is the Florida Legislature’s intent that minor violations be distinguished from serious violations.

(a) Section 717.1322(1)(a), F.S. – suspension of 6 months to revocation if the act is willful or with reckless disregard or deliberate ignorance of the truth, 1 to 2 months if the act is not willful or with reckless disregard or deliberate ignorance of the truth.

(b) Section 717.1322(1)(b), F.S. – suspension of 6 months to revocation.

(c) Section 717.1322(1)(c), F.S. – suspension of 6 months to revocation.

(d) Section 717.1322(1)(d), F.S. – suspension of 3 to 6 months.

(e) Section 717.1322(1)(e), F.S. – suspension of 3 to 6 months.

(f) Section 717.1322(1)(f), F.S. – suspension of 3 to 6 months if the act is willful, 1 to 2 months if the act is not willful.

(g) Section 717.1322(1)(g), F.S. – suspension of 3 months to revocation and a \$500 to \$1,000 fine per day of non-compliance.

(h) Section 717.1322(1)(h), F.S. – see Rule 69I-20.077, F.A.C.

(i) Section 717.1322(1)(i), F.S. – suspension of 3 to 6 months if the act is willful, 1 to 2 months if the act is not willful.

(j) Section 717.1322(1)(k), F.S. – suspension of 3 to 6 months and a \$500 to \$1,000 fine per day of non-compliance if the act is willful, 1 to 2 months suspension if the act is not willful.

(k) Section 717.1322(1)(l), F.S. – suspension of 12 to 24 months.

(1) Section 717.1341(3), F.S. – a fine equal to the value of the property for the first offense, a fine equal to twice the value of the property for the second offense, and a fine equal to three times the value of the property for the third and subsequent offenses.

(2) Any registrant that has an aggregate final penalty of suspension of more than 3 years shall have such person's registration revoked and shall be prohibited from being director, officer, agent, employee, or ultimate equitable owner of a 10% percent or greater interest in an employer of a registrant.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS. History–New _____.

69I-20.076 Stated Penalty Guidelines for Violation of Sections 717.1322 and 717.1341, F.S., by Persons Who Are Not Registrants.

(1) If it is found that a person, who is not a registrant when the act was committed, has violated any of the following subsections of Section 717.1322, F.S., the following stated penalty guidelines shall apply for each act, transaction or occurrence. The penalty imposed within the range of penalties should be based upon the severity of the violation. It is the Florida Legislature's intent that minor violations be distinguished from serious violations.

(a) Section 717.1322(1)(a), F.S. – fine of \$500 to \$1,000 if the act is willful or with reckless disregard or deliberate ignorance of the truth, \$100 to \$250 if the act is not willful or with reckless disregard or deliberate ignorance of the truth.

(b) Section 717.1322(1)(b), F.S. – fine of \$500 to \$2,000.

(c) Section 717.1322(1)(c), F.S. – fine of \$500 to \$2,000.

(d) Section 717.1322(1)(d), F.S. – fine of \$250 to \$750.

(e) Section 717.1322(1)(e), F.S. – fine of \$250 to \$750.

(f) Section 717.1322(1)(f), F.S. – fine of \$500 to \$1,000 if the act is willful, \$100 to \$250 if the act is not willful.

(g) Section 717.1322(1)(g), F.S. – \$500 to \$1,000 fine per day of non-compliance.

(h) Section 717.1322(1)(i), F.S. – fine of \$250 to \$750 if the act is willful, \$100 to \$250 if the act is not willful.

(i) Section 717.1322(1)(j), F.S. – fine of \$500 to \$1,000 if the person has committed the act for compensation or gain, or in the expectation of compensation or gain, a reprimand if the person has committed the act without the expectation of compensation or gain.

(j) Section 717.1322(1)(k), F.S. – fine of \$500 to \$1,000 fine per day of non-compliance if the act is willful, \$100 to \$250 if the act is not willful.

(k) Section 717.1322(1)(l), F.S. – fine of \$1,000 to \$2,000.

(l) Section 717.1341(3), F.S. – a fine equal to the value of the property for the first offense, a fine equal to twice the value of the property for the second offense, and a fine equal to three times the value of the property for the third and subsequent offenses.

(2) Any person that has an aggregate final penalty of more than \$5,000 shall be prohibited from being director, officer, agent, employee, or ultimate equitable owner of a 10% percent or greater interest in an employer of a registrant.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS. History–New _____.

69I-20.077 Criminal Proceedings.

(1) If a person is found to have committed criminal conduct in the course of such persons business, in violation of Section 717.1322(1)(h), F.S., the following stated penalty shall apply:

(a) If a person is convicted by a court for committing a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, the penalty shall be revocation, if the person is registered, and the entry of an order prohibiting the person from being director, officer, agent, employee, or ultimate equitable owner of a 10% percent or greater interest in an employer of a registrant.

(b) If a person is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to the commission of a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, which involves moral turpitude and is a crime involving breach of trust or dishonesty, the penalty shall be revocation, if the person is registered, and the entry of an order prohibiting the person from being director, officer, agent, employee, or ultimate equitable owner of a 10% percent or greater interest in an employer of a registrant.

(c) If a person is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the laws of the United States of America or of any state thereof or under the law of any other country, which does not involve moral turpitude and is not a crime involving breach of trust or dishonesty, the penalty shall be a 24 month suspension, if the person is registered, and the entry of an order prohibiting the person from being director, officer, agent, employee, or ultimate equitable owner of a 10% percent or greater interest in an employer of a registrant for a period of 24 months.

(2) Foreign Law Enforcement Records. In the event that a law enforcement record includes convictions, charges, or arrests outside the United States, the Department shall consider the following factors to reduce or eliminate the penalty:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS. History--New _____.

69I-20.078 Aggravating and Mitigating Factors.

(1) It is the Florida Legislature's intent that minor violations be distinguished from serious violations. A specific finding of mitigating or aggravating circumstances shall allow the Department to impose a penalty other than that provided for in the stated penalty guidelines.

(2) The variation and range of penalties permitted are as follows:

(a)1. A suspension may be reduced to a fine equivalent to \$500 to \$1,000 for each month of suspension.

2. A total penalty dollar amount may be reduced by up to 50%.

3. A reduction of the penalty may only be done only once for each act, transaction or occurrence in violation of the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S.

(b)1. A suspension of 2 years or more may be increased to a revocation.

2. The total dollar penalty amount may be increased by up to 50%; provided that the stated penalty dollar amount shall not exceed the maximum statutory amount for each act, transaction or occurrence.

3. An increase of the penalty may only be done only once for each act, transaction or occurrence in violation of the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S.

(4) Aggravating and mitigating factors for penalties assessed under Rules 69I-20.075 and 69I-20.076, F.A.C., and Sections 717.117(3), 717.119(5)(c), and 717.134, F.S.:

(a) Willfulness of person's conduct;

(b) Degree of actual injury to victim;

(c) Degree of potential injury to victim;

(d) Age or capacity of victim;

(e) Timely restitution;

(f) Motivation of person;

(g) Financial gain or loss to person;

(h) Cooperation with the Department;

(i) Related criminal charge; disposition;

(j) Previous disciplinary orders or prior warning by the Department;

(k) The amount of the claim involved;

(l) The complexity of locating the owner;

(m) The steps taken to ensure the accuracy of the claim by the person filing the claim;

(n) The acts of commission and omission of the ultimate owners in establishing themselves as rightful owners of the funds;

(o) The acts of commission or omission of the agent or employee of an employer in the filing of the claim;

(p) The actual knowledge of the agent, employee, employer, or owner in the filing of the claim;

(q) The departure, if any, by the agent or employee from the internal controls and procedures established by the employer with regard to the filing of a claim;

(r) The number of defective claims previously filed by the agent, employee, employer, or owner; and

(s) Other relevant factors.

(5) Aggravating and mitigating factors for penalties assessed under Rule 69I-20.077, F.A.C.:

(a) Number of years that have passed since criminal proceeding;

(b) Age of person at time the crime was committed;

(c) Whether the person served time in jail;

(d) Whether or not the person violated criminal probation;

(e) Whether or not the person is still on criminal probation;

(f) Whether or not the person's actions or behavior resulted in substantial injury to victim;

(g) Whether or not restitution was, or is being timely paid;

(h) Whether or not the person's civil rights have been restored; and

(i) Other relevant factors.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS. History--New _____.

69I-20.079 Time for Payment of Administrative Fines and Costs.

In disciplinary cases where the Department has imposed an administrative fine for violation of Florida Disposition of Unclaimed Property Act, Chapter 717, F.S., the fine shall be paid within 30 days of the filing date of the final order unless otherwise directed by the Department.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS. History--New _____.

69I-20.080 Minor Violations.

Pursuant to Section 717.1322, F.S., the Department sets forth below those minor violations for which there is no substantial threat to the public health, safety, and welfare. Next to each violation is the fine to be imposed.

(1) Section 717.1400(5)(a), F.S. -- reprimand if the written notification of the termination of the agency or employment is no more than 30 days late and a \$50 fine for each successive 30-day period up to a maximum fine of \$2,000.

(2) Section 717.1400(5)(c), F.S. -- reprimand if the copy of the renewed private investigator's Class "C" individual license under Chapter 493, F.S., or a private investigator's employer's Class "A" business license under Chapter 493, F.S., is provided to the Department no more than 30 days late and a \$50 fine for each successive 30-day period up to a maximum fine of \$2,000.

Specific Authority 717.138 FS, Law Implemented 717.117, 717.119, 717.132, 717.1322, 717.134, 717.1341 FS, History—New _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Walter T. Graham, Chief, Bureau of Unclaimed Property
NAME OF SUPERVISOR OF PERSON WHO APPROVED
THE PROPOSED RULE: Doug Darling, Director, Division of
Accounting and Auditing
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 26, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 27, 2002, October 10, 2003
and May 14, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Workers' Compensation Claims	69L-3
RULE TITLES:	RULE NOS.:
Purpose	69L-3.001
Definitions	69L-3.002
Procedures for Filing Documents	69L-3.003
Electronic Filing of Workers' Compensation Forms	69L-3.0033
Injured Worker Informational Brochure	69L-3.0035
Employer Informational Brochure	69L-3.0036
First Report of Injury or Illness: Employer's Responsibility to Record and Report Accidents	69L-3.004
First Report of Injury or Illness: Claims-Handling Entity's Responsibility to Record and Report Accidents	69L-3.0045
Wage Statement: Employer's and Claims-Handling Entity's Responsibility to Record and Report Wages	69L-3.0046
Fraud Statement	69L-3.0047
Funeral Expense Bills	69L-3.0085
Notice of Action/Change	69L-3.0091
Notice of Denial	69L-3.012
Claim Cost Report	69L-3.016
Wage Loss Benefits Due to Permanent Impairment (Dates of Accident August 1, 1979 through December 31, 1993)	69L-3.018
Wage Loss Benefits for Temporary Partial Disability (Date of Accident August 1, 1979 through December 31, 1993)	69L-3.019
Temporary Partial Disability Benefits (Dates of Accident January 1, 1994 through September 30, 2003)	69L-3.0191
Temporary Disability Benefits (Dates of Accident On or After October 1, 2003)	69L-3.01915
Impairment Income Benefits (Dates of Accidents January 1, 1994 through September 30, 2003)	69L-3.0192

Impairment Income Benefits (Dates of Accident On or After, October 1, 2003)	69L-3.01925
Supplemental Income Benefits (Dates of Accident January 1, 1994 through September 30, 2003)	69L-3.0193
Permanent Total and Permanent Total Supplemental Benefits for Dates of Accident Prior to October 1, 2003	69L-3.0194
Permanent Total and Permanent Total Supplemental Benefits for Dates of Accident On or After October 1, 2003	69L-3.01945
Forms	69L-3.0195
Additional Income Source Reports	69L-3.021
Monthly Risk Class/SIC Code Report	69L-3.0212
Aggregate Claims Administration Change Report	69L-3.0213
Aggregate Defense Attorney Fee Report	69L-3.0214
Forms	69L-3.025

PURPOSE AND EFFECT: The purpose and effect of the proposed rewrite is to clarify the filing requirements and timeframes of statutory required workers' compensation claim forms, and clarify the payment of compensation benefits to the injured worker.

SUMMARY: New filing requirements and revised claim forms regarding workers' compensation claims.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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: 440.105(7), 440.14, 440.14(5), 440.15, 440.15(1)(f)2., 440.15(2), 440.15(2)(d), 440.15(3)(b), 440.15(3)(f), 440.15(4), 440.15(4)(e), 440.185, 440.185(2), 440.185(4), 440.185(5), 440.185(9), 440.185(10), 440.19, 440.20, 440.20(3), 440.20(15)(f), 440.207(2), 440.345, 440.35, 440.38(2), 440.38(5), 440.38(6), 440.41, (1993), 440.51(8), 440.51(9), 440.591, 440.593 FS.

LAW IMPLEMENTED: 440.105(7), 440.12, 440.12(2), 440.13, 440.14, 440.14(3), 440.15(1), 440.15(2), 440.15(3), 440.15(3)(f) 440.15(3)(d)2., 440.15(4), 440.15(4)(b), 440.15(9), 440.15(10), 440.185(4),(10), (1993), 440.185, 440.185(2), 440.185(3), 440.185(4), 440.185(5), 440.185(9), 440.185(10), 440.192(8), 440.20, (1993), 440.20, 440.20(2)(a), 440.20(3), 440.20(4), 440.20(6), 440.20(8)(b), 440.20(9), 440.20(9), 440.20(20)(15)(a), 440.20(15)(f), 440.207(2), 440.345, 440.35, 440.38(2)(b), 440.41, 440.491, 440.51(6), 440.51(9), 440.51(8), 440.51(9), 440.51(8),(9), 440.59, 440.591, 440.593 FS.

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

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

PLACE: Room 104 J, 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 RULES IS: Fred Becknell, Insurance Administrator, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, (850)413-1763

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-3.001 Purpose.

The purpose of this rule chapter is to establish the responsibilities of the employer and insurer to record and report workers' compensation accident information under Section 440.40, F.S., including the filing of claim forms with the Division, and to other affected parties. If an insurer contracts with another entity to handle claims on its behalf, the practices of the claims-handling entity in fulfilling the responsibilities under this chapter shall be deemed the practices of the insurer for the purposes of assessing penalties and fines against the insurer. These rules are intended to ensure the accurate and timely payment of compensation to the employee.

Specific Authority 440.591 F.S. Law Implemented 440.20(8)(b), 440.20(20)(15)(a), 440.591 F.S. History--New _____.

69L-3.002 Definitions.

When used in this chapter, the following terms have the following meanings:

(1) "Average Weekly Temporary Total Disability Benefit" means the weekly average of all benefits paid pursuant to ~~Sections ss:~~ 440.15(2)(a) and (b), F.S. The weekly average shall be determined by dividing the total amount of temporary total disability benefits paid to date, by the number of weeks and days paid as calculated pursuant to ~~Section s:~~ 440.14(1)(g), F.S. If no temporary total benefits were paid, the average weekly temporary total disability benefit shall be 66 2/3% of the employee's average weekly wage, subject to the maximum compensation rate in accordance with ~~Section s:~~ 440.14, F.S.

(2) "Biweekly work week" means two consecutive 7-day periods coinciding with the post injury employer's work week. For the purposes of Section 440.15(4), F.S., the first biweekly work week includes the week the employee returned to work with restrictions resulting from the accident. ~~"Carrier" unless otherwise indicated, includes self-insured employers, group self-insured funds, local governmental workers' compensation insured pools, commercial self-insured funds and stock companies, and mutual companies, exchanges and associations authorized to provide workers' compensation coverage in this~~

~~state. Carrier includes every individual, insurer, company, association, organization, society reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, solicitor, service representative, adjuster, and every legal entity which is engaged as indemnitor, surety, or contractor in the business of entering into contracts whereby one undertakes to indemnify another or pay or allows a specified amount or a determinable benefit upon determinable contingencies.~~

(3) "Claims-handling Entity" means any insurer, third-party administrator, servicing company, self-serviced self-insured employer or fund, or managing general agent and includes all claims office locations that will be responsible for adjusting and submitting workers' compensation claims to the Division. ~~"Carrier Code #" means the internal audit number which the Division assigns each individual insurance carrier, self-insured employer, or self-insured fund upon receipt of notification to write or administer workers' compensation insurance in Florida. The carrier must include the correct carrier code # on every claims form promulgated under this chapter. A service company, adjusting company, or third party administrator servicing a claim for a self-insured employer or self insurance fund must include both the carrier code # and the Service Co/TPA Code # on any form promulgated under this chapter.~~

(4) "Class Code" means the 4 digit code assigned by the National Council on Compensation Insurance (NCCI) for the particular occupation of the injured employee as it exists in the NCCI Scopes TMManual 2004 Edition which is hereby incorporated by reference. A listing of Class Codes may be obtained by contacting NCCI's Customer Service Center at (800)622-4123. ~~"Carrier File #" means the internal identification number assigned to a file by a carrier. The carrier must include the carrier file number where required on any form promulgated under this chapter.~~

(5) ~~"Carrier Name, Address, and Telephone" means the name, mailing address and telephone number of the carrier with responsibility for handling the claim. If a servicing company is the entity handling the claim on behalf of a self-insured employer, fund or another carrier, the servicing company must include the name, address, and telephone number of the servicing company, and not that of the self-insured employer, fund or other carrier, on the form. The carrier telephone number provided must enable a caller to readily ascertain the name of the adjuster or claims representative handling the claim.~~

(5)(6) "Compensation Rate" means 66 2/3% (.6667) of the employee's average weekly wage pursuant to s. 440.14, F.S., as calculated by the claims-handling entity, carrier, as ordered by a Judge of Compensation Claims, or to which the parties have stipulated.

(6) “Date Payment Mailed” means the date payment of a benefit was delivered to the U.S. Postal Service or other delivery service, hand delivered to the employee or deposited by electronic funds transfer.

(7) “Date Prepared” means the date the form was prepared by the adjuster or claims representative to be sent to the Division or other parties.

(8) “Days” means calendar days unless otherwise noted.

(9) “Denied Case” means any ~~a lost time~~ case for which the claims-handling entity ~~carrier~~ has denied liability for all workers’ compensation benefits.

~~(10) “Division” means the Division of Workers’ Compensation of the Department of Insurance of the State of Florida.~~

~~(10)(11) “Document” means any notice, form, or report, or electronic data submission which shall must be submitted to the Division under this chapter or which the Division requests in connection with any matter covered by this chapter. Unless otherwise specified, this definition includes data submitted to the Division using Electronic Data Interchange (EDI) or another Division approved electronic format.~~

~~(11)(12) “File” or “Filed” means a document has been received and accepted in accordance with Rule 69L-3.003, F.A.C. by the Division party to which it was sent.~~

~~(12)(13) “Filing Period for Supplemental Income Benefits” means a period of 13 consecutive weeks (approximately 3 months) for which the employee reports any earnings and files a claim for supplemental income benefits. The filing period shall represent a “quarter” as set out in Section ~~§~~ 440.15(3)(b)7., F.S. (1994), except for the second filing period, which may consist of less than 13 weeks if the first payment period was prorated. The “initial filing period” is the filing period, which occurs during the last 13 weeks of impairment income benefits.~~

~~(13)(14) “First Aid Case” means a work injury or illness, which is treated at the work place, does not require medical treatment for which charges are incurred, and does not cause the employee to miss work for more than one day shift.~~

~~(15) “Fraud Statement” means the notice, which must be included on all claim forms pursuant to ss. 440.105(7) 440.185(4), F.S.~~

~~(14) “Full Salary in Lieu of Compensation” means the monies an employer paid the employee as salary, wage, or other remuneration for a period of disability for which the insurer would have otherwise been obligated to pay compensation benefits.~~

~~(15) “Full Salary End Date” means the date through which the employer paid full salary in lieu of compensation.~~

~~(16) “Indemnity Only Denied Case” means any case for which the claims-handling entity has denied all indemnity benefits at the time of the filing of the DFS-F2-DWC-1, however, compensability of the case is accepted and medical benefits will be provided.~~

~~(17)(16) “Initial Payment of Supplemental Income Benefits” means payment of supplemental income benefits for the first whole or partial calendar month immediately following the expiration of the impairment income benefit period. The initial payment of supplemental income benefits shall cover the time beginning with the day after the expiration of impairment income benefits and ending with the last date in the initial calendar month pursuant to Section 440.15, F.S. (1994).~~

~~(18) “Insurer Code #” means the Division-assigned number for the insurer as defined in Section 440.02(38), F.S., which bears the financial risk of the claim.~~

~~(19)(17) “Lost Time Case” means a work injury or illness, which has caused the employee to be out of work for more than 7 calendar seven days or for which indemnity benefits have been paid. Lost time cases shall also include compensable volunteer workers to whom no indemnity benefits will be paid, but who have lost more than seven (7) calendar days from work; compensable death cases for which there are no known or confirmed dependents; and injuries which result in the loss of more than 7 calendar seven days for which the employer is continuing to pay full salary in lieu of compensation for any portion thereof. The 7 calendar days of disability do not have to be consecutive, but are cumulative and can occur over a period of time.~~

~~(20)(18) “Medical Only Case” means a work-related injury which requires medical treatment for which charges will be incurred, but which does not cause the employee to miss more than 7 calendar seven days of work.~~

~~(21)(19) “Medical Only to Lost Time Case” means a work injury or illness, which initially did not result in ~~cause~~ a loss of more than 7 calendar seven days of work but later resulted in a loss of more than (7) calendar seven days of work. Medical only to lost time cases shall include previous medical only cases in which Impairment Income Benefits are paid based on obtaining Maximum Medical Improvement with a Permanent Impairment Rating greater than zero (0) % and settlement only cases involving payment of indemnity benefits.~~

~~(22) “NAICS Code” means the 6-digit code published in the North American Industry Classification System 2002 Edition, hereby incorporated by reference, that represents the nature of the employer’s business. Classification information may be obtained by contacting the NAICS Association, 341 East James Circle, Sandy, Utah 84070, or visiting the website: www.naics.com.~~

~~(23) “Notification” or “Knowledge” means an entity’s earliest receipt of information, including mail, telephone, facsimile, direct personal contact or electronic submission.~~

~~(24)(20) “Overall Maximum Medical Improvement” means the date on which maximum medical improvement has been achieved with respect to all compensable medical or psychiatric conditions caused by a compensable injury or disease.~~

~~(25)(21)~~ “Payment Period for Supplemental Income Benefits” means the period of 3 consecutive calendar months immediately following the filing period. The first payment period may consist of less than 3 full months if the first monthly payment is prorated. The last payment period may consist of less than 3 full months if the employee has reached a maximum of 401 weeks of benefits. All other payment periods of supplemental income benefits shall be for 3 full calendar months, pursuant to Section 440.15, F.S.

~~(22)~~ “Permanent Impairment Rating” means the rating on which the carrier will base its determinations concerning the employee’s indemnity benefits.

~~(23)~~ “Risk Class Code” means the 4 digit code assigned by the National Council on Compensation Insurance (NCCI) for the particular occupation of the injured employee. A listing of Risk Class Codes may be obtained by contacting NCCI at 750 Park of Commerce Drive, Boca Raton, Florida 33487.

~~(24)~~ “Salary Continued in Lieu of Compensation” means the monies an employer paid the employee as salary, wage, or other remuneration equaling at least the compensation rate for a period of disability for which the carrier would have otherwise been obligated to pay compensation benefits.

~~(25)~~ “Salary End Date” means the date through which the employer paid salary in lieu of compensation.

~~(26)~~ “Send” means to transmit a document to the party or parties intended to receive it, including by U.S. mail, hand delivery, or electronic transmission to the party or parties to receive it. Sending is complete upon transmission by one of these methods. A carrier completing a form shall mark as the “Sent to Division Date” the date it sends the Division the form.

~~(27)~~ “Service Co/TPA” means an entity which has contracted with an insurer for the purpose of providing all services necessary to adjust workers’ compensation claims on the insurer’s behalf.

~~(28)(27)~~ “Service Co/TPA Code #” means the internal audit number assigned by the Division to a service company, adjusting company, managing general agent or third party administrator. Any form promulgated under this chapter and filed by a service company, adjusting company, or third party administrator must include the correct Service Co/TPA Code #.

~~(28)~~ “SIC Code” means the 4 digit “Standard Industrial Classification Code” which identifies the nature of the employer’s business. A listing of SIC Code numbers may be obtained by contacting the Government Printing Office Bookstore, 100 West Bay Street, Jacksonville, Florida 32202.

Specific Authority 440.185(2),(5)(6), 440.20(3), 440.38(2),(6), 440.591 F.S. Law Implemented 440.185, 440.13, 440.20(3), 440.38(2)(b) F.S. History—New 11-5-81, Formerly 38F-3.02, Amended 4-11-90, 1-30-91, 6-10-92, 1-8-94, Formerly 38F-3.002, Formerly 4L-3.002, Amended _____.

69L-3.003 Procedures for Filing Documents.

(1) Instructions on or pertaining to forms promulgated under this chapter, are also rules under this chapter and forms shall be completed in accordance with such instructions. When

forms are reproduced, they shall be reproduced in their entirety, including instructions. The claims-handling entity carrier shall ensure that all parts of all documents filed with the Division pursuant to this chapter are complete and legible. These documents shall be filed with the Florida Department of Financial Services, Division of Workers’ Compensation, 200 East Gaines Street, Tallahassee, Florida 32399-4226, except as otherwise indicated. The Division shall return to the claims-handling entity any document on which the appropriate information required in subsection (3) of this section and paragraph 69L-3.0045(1)(d), F.A.C., does not appear, and will notify the claims-handling entity of its error or omission. If a document is not complete and legible, the Division will return it to the claims-handling entity’s carrier’s address as provided on the form for correction or completion. The claims-handling entity shall make the correction, include a revised “Sent to Division Date” and resubmit the document to the Division. The document will be considered completed and in compliance with this section when the corrected document is resent to the Division.

~~(2) Carrier or employers shall respond to any written request for information by the Division no later than 14 days after receiving the request, except as otherwise provided in Title 69L, F.A.C.~~

~~(3) Forms must be completed according to instructions. Entities completing forms must include the Division assigned Carrier or Service Co/TPA Code #, where required.~~

(3)(4) The claims-handling entity carrier, where required, shall include on every document it submits to the Division the following information:

(a) The employee’s name.

(b) The employee’s social security number as assigned by the Social Security Administration. If the employee does not have a social security number because the employee is an alien, the claims-handling entity carrier shall contact the Division following the instructions provided on the following website: www.fldfs.com/WC/organization/odqc.html (under Records Management – Division Assigned Numbers) instead use the number on the employee’s Arrival and Departure card (Form I94) or Alien Registration Receipt card (Form I-51). If the carrier is unable to ascertain the numbers, it shall send a written request to the Information Management Unit of the Division at the address in subsection (1); to obtain a Division assigned temporary internal file number until the social security number one of the above identifying numbers is obtained. Upon receipt of the employee’s social security number, the claims-handling entity shall file Form DFS-F2-DWC-4, as adopted in Rule 69L-3.025, F.A.C., with the Division in accordance with Rule 69L-3.0091, F.A.C.

(c) The month, day date, and year of the employee’s accident or illness, in the following order: mm-dd-yy or mm-dd-ccyy month/day/year.

(d) The “Insurer Code #”. A claims-handling entity adjusting claims for one or more insurers shall report the correct “Insurer Code #” for each specific claim.

(e) The “Service Co/TPA Code #”. If a third-party administrator, servicing agent, or other claims-handling entity is servicing a claim for an insurer, self-insured employer or self-insurance fund, it shall include both the “Insurer Code #” and the “Service Co/TPA Code #” on any form.

(f) The “Claims-handling Entity File #”. A claims-handling entity shall report its internal identification number assigned to a file on forms as required under this chapter.

(g) The name, address and telephone number of the claims-handling entity. When a “Service Co/TPA” is adjusting claims for an insurer, the name, address and telephone number of the “Service Co/TPA” in addition to the name of the insurer shall be provided. The telephone number provided shall enable a caller to readily contact the office handling the claim.

(h) The “Sent to Division Date”.

~~The Division shall return to the carrier any document on which the appropriate identification does not appear and shall notify the carrier of its error or omission. The carrier shall make the correction and resubmit the document to the Division. The filing date of the document is the date the Division receives the corrected document. If the carrier reports an incorrect employee name, social security number or date of accident, it shall send an Form DWC 4 or electronic alternative, pursuant to subsection 69L-3.0091(16), F.A.C. All subsequent filings must reflect the corrected information.~~

(4)(5) The insurer or the claims-handling entity A carrier shall provide a supply of Forms DFS-F2-DWC-1 and DFS-F2-DWC-1a, as adopted in Rule 69L-3.025, F.A.C., to the supply each employer to which it provides coverage a supply of Form DWC-1, First Report of Injury or Illness, unless an alternative electronic reporting arrangement with the claims-handling entity is in place and Form DWC 1a, Wage Statement. The name of the insurer and the claims-handling entity’s carrier’s name, address, and telephone number shall must be preprinted or pre-stamped on each such form. As required by these rules, the carrier shall supply to employees Form DWC-40, Statement of Quarterly Earnings for Supplemental Income Benefits for dates of accident on or after 1/1/94, and Form DWC 3, Request for Wage Loss/Temporary Partial Benefits, for dates of accident prior to 1/1/94.

(5)(6) All submissions of Computer-generated versions of any forms promulgated under this rule shall must appear in substantial conformity with the promulgated printed form in design, layout, field size, and content and shall contain all data elements required by the promulgated form. Computer-generated forms must contain all data elements required by the form. If the Division finds that a the computer-generated form is not the same as sufficiently similar to the promulgated printed form, if it fails to contain all data elements, or if it is

~~unclear or confusing, the Division will return the form and to the carrier and notify the carrier of the deficiency. The the claims-handling entity carrier shall make the correction, include a revised “Sent to Division Date” and resubmit a corrected form to the Division. The document will be considered completed and in compliance with this section when the corrected document is resent to the Division. The filing date of the form is the date the Division receives the corrected form.~~

(7) ~~A carrier wishing to use alternative electronic reporting methods, or to alter any existing approved alternative electronic reporting methods, must submit a written proposal to the Director of the Division of Workers’ Compensation, who will review the proposal to ensure compliance with applicable statutes and rules, and compatibility with the Division’s systems. The Director shall inform the carrier in writing of the Division’s determination. After the carrier has received written approval of its proposal, it may send documents to the Division according to the method set out in its proposal.~~

(8) ~~Only those documents required by this or previous editions of Title 69L-3, F.A.C., shall be maintained in the Division’s files.~~

(6)(9) ~~Any insurer or claims-handling entity person or entity failing to timely send documents promulgated under this chapter is subject to administrative fines civil penalties assessed by the Division according to the provisions of Rule Chapter 69L-24, F.A.C.~~

Specific Authority 440.185(2),(5), 440.20(3), 440.207(2), 440.38(2),(5), 440.591 FS. Law Implemented 440.185, 440.51(8), 440.51(9), 440.20 FS. History—Originally numbered 38F-3.01, 3.02, 3.03, New 10-30-79, Amended 11-5-81, Formerly 38F-3.03, Amended 4-11-90, 1-30-91, 11-8-94, Formerly 38F-3.003, Formerly 4L-3.003, Amended _____.

69L-3.0033 Electronic Filing of Workers’ Compensation Forms.

Forms DFS-F2-DWC-1 and DFS-F2-DWC-13, as incorporated in Rule 69L-3.025, F.A.C., may be alternatively reported to the Division using Electronic Data Interchange (EDI).

Specific Authority 440.185(2), 440.593 FS. Law Implemented 440.593 FS. History—New _____.

69L-3.0035 Injured Worker Informational Brochure.

In accordance with Section 440.185(4), F.S., the carrier or its claims-handling entity on behalf of the carrier shall mail to the injured worker an informational brochure, Form DFS-F2-DWC-60, “Important Workers’ Compensation Information For Florida’s Workers” or Form DFS-F2-DWC-60 Spanish, “Informacion Importante De Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Trabajadores De La Florida”, as adopted in Rule 69L-3.025, F.A.C., as applicable within 3 business days after notification of the injury or illness.

Specific Authority 440.185(4), 440.593 FS. Law Implemented 440.593 FS. History—New _____.

69L-3.0036 Employer Informational Brochure.

In accordance with Section 440.185(4), F.S., the carrier or its claims-handling entity on behalf of the carrier shall annually mail to the employer an informational brochure, Form DFS-F2-DWC-65, "Important Workers' Compensation Information For Florida's Employers" or Form DFS-F2-DWC-65 Spanish "Informacion Importante Del Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Empleadores De La Florida", as adopted in Rule 69L-3.025, F.A.C., as applicable.

Specific Authority 440.185(4), 440.593 FS. Law Implemented 440.593 FS. History-New

69L-3.004 First Report of Injury or Illness: Employer's Responsibility to Record and Report Accidents.

(1) An employer shall record all industrial injuries and diseases as follows:

(a) For a first aid case that is not required to be reported to the claims-handling entity, the employer shall maintain a record of the following information regarding the injury or illness complete either:

1. The employee's name Form DWC-1, First Report of Injury or Illness; or
2. Social security number or other identifying number pursuant to paragraph 69L-3.003(3)(b), F.A.C. A form which the Division has previously approved in writing.
3. Date and time of the accident or injury.
4. Occupation of the employee.
5. Who the injury was reported to and when.
6. Description of the accident or illness, including the cause of injury.
7. Injury or illness that occurred and affected body part.
8. Treatment rendered.
9. Names of witnesses.
10. Location address of the injury if different than the employer's address.

(b) For a medical only case, lost time case, or death case, the employer shall complete Form DFS-F2-DWC-1, as adopted in Rule 69L-3.025, F.A.C., or report the information regarding the injury or illness by other means as provided by the claims-handling entity, either:

1. Form DWC-1, First Report of Injury or Illness;
2. An approved alternative electronic data reporting method

(2) An employer shall report on Form DFS-F2-DWC-1, as adopted in Rule 69L-3.025, F.A.C., information concerning an industrial injury or disease to its claims-handling entity carrier as follows:

(a) First Reports of Injury:

(a)1- An employer shall report all cases, except first aid cases, to its claims-handling entity carrier within 7 seven days after the employer's knowledge of an industrial injury or disease. The employer may inform the carrier either by

telephone, by electronic medium, or by completing and submitting Form DWC-1. The employer shall not delay reporting the injury or illness to the claims-handling entity submitting the Form DWC-1 because the employee's signature is unavailable.

(b)2- An employer is not required to report a first aid case to the carrier. If a first aid the case later becomes a medical only or lost time case, the employer shall report the injury or illness to inform the claims-handling entity carrier within 7 seven days after its the employer's knowledge of the change in status. The employer may inform the carrier either by telephone, by electronic medium, or by submitting Form DWC-1. The employer shall complete the Employer section of Form DWC-1 and ensure that the Employee section is complete before submitting the form to the carrier.

(c)3- When an employer submits to its claims-handling entity carrier Form DFS-F2-DWC-1, the employer it shall provide a copy of the form to the employee or the employee's estate. If the information required by in Form DFS-F2-DWC-1, as adopted in Rule 69L-3.025, F.A.C., is reported to the claims-handling entity carrier by other means telephone or electronic medium, the claims-handling entity carrier shall provide mail the employee and the employer a completed Form DFS-F2-DWC-1, paper version of an approved First Report of Injury or Illness, within three (3) business days of the claims-handling entity's notification of the injury or illness. An approved First Report of Injury or Illness is an Form DWC-1, or an ACCORD-4 form, also known as Form IA-1, if the carrier is approved to electronically submit First Reports of Injury or Illness to the Division. Form IA-1 may be sent to the employee and employer, if the claims-handling entity has been approved by the Division to electronically send the first report of injury information required in Rule 69L-3.0045, F.A.C., to the Division.

(d)4- In addition to the reporting requirements pursuant to Rule 69L-3.004(2)(a), F.A.C., if an injury or illness results in the employee's death, the employer shall give notice by telephone or by other means facsimile or telegram to the Division of Workers' Compensation Safety within 24 hours of the employer's knowledge of the death, and shall file Form DWC-1 with the carrier. The mailing address of the Division of Workers' Compensation for reporting of death cases is: State of Florida, Department of Financial Services Insurance, Division of Workers' Compensation, Occupational Safety and Health Unit, 200 East Gaines Street, Tallahassee, Florida 32399-42224227. The telephone number for purposes of reporting death cases is (800)219-8953, (850)413-1611 (850)922-8953 or by facsimile at (850)922-0024.

(b) Wage Statements: Within fourteen days after the employer has knowledge of a lost time case, it shall report wage information to the carrier on Form DWC-1A, Wage Statement. The employer shall provide a copy of the form, and any corrected form, to the employee or the employee's estate.

(3) Employers shall retain a ~~copy or electronic~~ record of all information required which must be maintained or reported under this section for not less than 2 two years and 6 six months after the date the injury or illness is reported to the employer.

Specific Authority 440.35, ~~440.14(3)~~, 449.591, 440.185(2),(5),(9), 440.19 FS. Law Implemented 440.14(3), 440.185(2),(3),(5), 440.207(2), 440.35 FS. History—New 8-30-79, Amended 12-23-80, 11-5-81, 6-12-84, Formerly 38F-3.04, Amended 1-1-87, 4-11-90, 1-30-91, 11-8-94, Formerly 38F-3.004, 4L-3.004, Amended _____.

69L-3.0045 First Report of Injury or Illness: Claims-Handling Entity's ~~Carrier's~~ Responsibility to Record and Report Accidents.

(1) A claims-handling entity shall record all industrial injuries and diseases as follows ~~Recording:~~

(a) Upon receipt of a Form DFS-F2-DWC-1, as adopted in Rule 69L-3.025, F.A.C., or DWC-1a, the claims-handling entity carrier shall legibly date stamp the form in the "Received by Claims-handling Entity carrier" box. Upon notification of the injury by any other means, the claims-handling entity shall record the earliest date of notification in the file and on the Form DFS-F2-DWC-1.

(b) If the employer notifies the claims-handling entity of the injury by telephone or electronic data interchange, the claims-handling entity shall produce and mail to the employee and employer a paper copy of Form DFS-F2-DWC-1, as adopted in Rule 69L-3.025, F.A.C., within 3 business days of the claims-handling entity's knowledge of the injury. However, if the claims-handling entity has been approved by the Division to electronically send the first report of injury information required in Rule 69L-3.0045, F.A.C., Form IA-1 may be sent to the employee and employer. If the employer submits to the carrier the information required by Form DWC-1 by telephone or electronically, and the carrier is approved to send Form DWC-1 electronically to the Division, the carrier shall mail the employee and the employer a paper copy of Form DWC-1 or the approved alternative form ACORD-4 or Form IA-1 within three business days.

(c) The claims-handling entity shall confirm that the following information on the Form DFS-F2-DWC-1 is correct:

1. Employee's name.
2. Social security number or other identifying number pursuant to paragraph 69L-3.003(3)(b), F.A.C.
3. Employee's address.
4. Employee's telephone number (if provided by the employee or employer).
5. Date (mm-dd-yy or mm-dd-ccyy) and time of accident.
6. Occupation of the employee.
7. Location of the accident.
8. Description of the accident, including the cause and nature of the injury, and part(s) of the body affected.

~~The carrier shall confirm that Form DWC-1 contains the employee's correct name, social security number or other identifying information required by Rule 69L-3.003(4)(b), date of accident (month/day/year) and time of accident, or supply or correct that information. It shall complete the section requesting carrier information and ensure that the other portions of the form are complete and legible. It should compare Forms DWC-1 and DWC-1a to confirm that the employee name, social security number or other identifying information, and the date of injury on the two forms are consistent.~~

(d)(e) The claims-handling entity carrier shall complete the "Claims-handling Entity Information" carrier information section of the Form DFS-F2-DWC-1 as follows:

1. "Insurer Code #" ~~The carrier shall mark either Box 1 (Denied lost time case), Box 2 (Medical Only to Lost Time case), or Box 3 (Lost Time case). If Box 2 or Box 3 are marked, the blank for "date first payment mailed (following Box 3), must be completed unless the employee is receiving salary in lieu of compensation, the employee is a volunteer who has a lost time case, or the employee's death is compensable and the employee has no dependents. If Box 2 is marked, all information required with regard to Box 3 must also be completed.~~

2. "Service Co/TPA Code #", if applicable

3. The "Insurer Name" and the "Claims-handling Entity Name, Address, and Telephone" as applicable. When a "Service Co/TPA" is adjusting claims for an insurer, the name, address and telephone number of the "Service Co/TPA" in addition to the name of the insurer shall be given. The telephone number provided shall enable a caller to readily contact the office handling the claim.

4. "Claims-handling Entity File #"

5. Indicate the status of the case by marking the appropriate box: "Denied Case" "Indemnity Only Denied Case", "Medical Only Which Became Lost Time Case", or "Lost Time Case". In addition, the following information is required:

a. "Denied Case": When the liability for the claim is being totally denied, Form DFS-F2-DWC-12, as adopted in Rule 69L-3.025, F.A.C., shall be filed with the Division at the same time as the Form DFS-F2-DWC-1 pursuant to Rule 69L-3.012, F.A.C.

b. "Indemnity Only Denied Case": When only indemnity benefits are being denied, a Form DFS-F2-DWC-12 shall be filed with the Division at the same time as the Form DFS-F2-DWC-1, pursuant to Rule 69L-3.012, F.A.C.

c. "Medical Only Which Became Lost Time Case":

i. Delayed disability cases: The fields for "First Date of Disability", "Date First Payment Mailed", "AWW", "Comp Rate", "Employee's 8th Day of Disability", the "Entity's Knowledge of the 8th Day of Disability" and the type of initial benefit paid shall be provided, except as indicated in

sub-subparagraph 69L-3-0045(1)(d)5.f., F.A.C. If the claims-handling entity electronically submits Form DFS-F2-DWC-1 to the Division, the "Employee's 8th Day of Disability" and the "Entity's Knowledge of the 8th Day of Disability" will not be reported through the electronic form equivalent of Form DFS-F2-DWC-1 and shall be reported via an alternate electronic format approved by the Division. The claims-handling entity shall send the "Employee's 8th Day of Disability" and the "Entity's Knowledge of the 8th Day of Disability" at the same time the electronic form equivalent of Form DFS-F2-DWC-1 is required to be sent to the Division as specified in Rule 69L-24.0231, F.A.C. The requirement to report the "Employee's 8th Day of Disability" and the "Entity's Knowledge of the 8th Day of Disability" via an alternative electronic format shall commence no later than 90 days after the effective date of this rule.

ii. IB Only Cases: The "Date First Payment Mailed", "AWW", "Comp Rate", the type of initial benefit paid identified as "I.B.", and the notation "IB Only" in the "Remarks" section shall be provided.

iii. Settlement Only Cases: The "Date First Payment Mailed", the type of initial benefit paid identified as "Settlement Only" shall be provided.

d. "Lost Time Cases": The "First Date of Disability", "Date First Payment Mailed", "AWW", "Comp Rate" and the type of initial benefit paid shall be provided except as indicated in sub-subparagraph 69L-3.0045(1)(d)5.f., F.A.C.

e. "Full Salary End Date". If the employer paid full salary in lieu of compensation and the claims-handling entity has knowledge of the day the employer discontinued paying full salary, the "Full Salary In Lieu of Comp" box is to be checked "Yes" and the "Full Salary End Date" field on the DFS-F2-DWC-1 must be completed when the DFS-F2-DWC-1 is filed.

f. Exceptions to subsections sub-subparagraph 69L-3.0045(1)(d)5.c. and d., F.A.C. The following data fields are not required for the filing of Form DFS-F2-DWC-1:

i. If the employer is continuing full salary in lieu of compensation, the "Date First Payment Mailed", "AWW" and "Comp Rate" are not required.

ii. If the employee is a volunteer who has a lost time case, "Date First Payment Mailed", "AWW" and "Comp Rate" are not required unless the volunteer meets statutory requirements to be paid for concurrent employment.

iii. If the employee's death is compensable and the employee has no known dependents, the "Date First Payment Mailed" is not required.

2. The carrier shall provide, in the designated spaces, the "Carrier Code #" and, the carrier's Service Co/TPA #, if the carrier is a Service Co/TPA.

3. The carrier shall provide the Carrier File # in the designated space.

~~4. The carrier shall provide its name, address, and telephone number in the designated spaces.~~

(e)(f) The claims-handling entity shall carrier must report to the Division the risk class code of every "Employee's Class Code" based on the National Council on Compensation Insurance (NCCI) classification system (Scopes Manual), and the "Employers' NAICS Code" based on the North American Industrial Classification System (NAICS), Standard Industrial Classification Code of every employer for whom it files an Form DWC-1. The information shall be reported in one of the following ways: on Form DFS-F2-DWC-1 if the information is available at the time of filing with the Division. If either code is not available at time of filing, this information shall be filed on Form DFS-F2-DWC-4 pursuant to subsection 69L-3.0091(14), F.A.C.

1. On Form DWC-1, if the information is available at the time the form is submitted;

2. On Form DWC-4, within 30 days of the date that the carrier has knowledge of the injury or illness; or

3. On Form DWC-48. The carrier shall include on this form the risk class code of all employees and the SIC Code of all employers with respect to whom it has sent Form DWC-1 in a calendar month. The carrier must have sent this form to the Division by the fourteenth day of the following calendar month. If the carrier has incorrectly reported a risk class code or SIC code, it shall send corrected information to the Division on Form DWC4 within fourteen days of knowledge that the previously reported code(s) was/were incorrect, or file an amended Form DWC-48 in compliance with Rule 69L-3.0212, F.A.C.

(f) If the initial payment of compensation was not timely paid in accordance with Section 440.20, F.S., the claims-handling entity shall also report the following information, where applicable:

1. "Penalty Amount Paid in 1st Payment" and

2. The "Interest Amount Paid in 1st Payment".

(2) Reporting: The claims-handling entity shall Carriers must report industrial injuries or illnesses to the Division as follows:

(a) When disability is immediate and continuous for 8 or more days, the claims-handling entity shall send a completed Form DFS-F2-DWC-1 within 14 days after the claims-handling entity's knowledge of the injury or illness for the following cases:

1. Initial lost time cases,

2. Death cases with or without dependents,

3. Lost time cases in which the employer continued full salary in lieu of compensation for 8 or more days,

4. Compensable lost time cases in which the employee was a volunteer.

(b) When disability is not immediate and continuous but resulted in 8 or more days of disability, the claims-handling entity shall send a completed Form DFS-F2-DWC-1 within 6 days after the claims-handling entity's knowledge of the eighth day of disability for the following cases:

1. Medical only to lost time cases, delayed disability,
2. Cases involving multiple periods of disability,
3. Cases in which the employer continued full salary in lieu of compensation,
4. Compensable lost time cases in which the employee was a volunteer.

(c) If the initial payment of indemnity benefits is for temporary partial, the claims-handling entity shall send to the Division a completed Form DFS-F2-DWC-1 within 14 days after the first date payment mailed.

(d) If the initial payment of indemnity benefits is for impairment benefits, the claims-handling entity shall send to the Division a completed Form DFS-F2-DWC-1 within 14 days after knowledge of maximum medical improvement with the permanent impairment rating greater than zero.

(e) When the initial payment of indemnity results from an agreement or order for indemnity benefits, and a Form DFS-F2-DWC-1 was not previously filed, the claims-handling entity shall send to the Division a completed Form DFS-F2-DWC-1 within 14 days after the first date payment mailed.

(f) For all cases denied in their entirety, the claims-handling entity shall send to the Division completed Forms DFS-F2-DWC-1 and DFS-F2-DWC-12 within 14 days of its knowledge of the injury or illness.

(g) For cases where the claims-handling entity denied only indemnity benefits and is paying medical benefits for the employee, the claims-handling entity shall send to the Division completed Forms DFS-F2-DWC-1 and DFS-F2-DWC-12 within 14 days after denial of the indemnity benefits.

(h)(a) Medical Only Cases: shall not be sent to the Division unless the claims-handling entity has received a written request from the Division. The carrier shall report these cases by submitting information only as requested in writing by the Division. The claims-handling entity carrier shall send Form DFS-F2-DWC-1 within 14 30 days of receipt of the request. The notation "MO Filed Pursuant to Division Request" shall be provided in the "Remarks" field.

(b) Lost Time and Death Cases:

1. The carrier shall report these cases to the Division within 14 days of receiving Form DWC-1 from the employer or a Petition for Benefits from the employee. The 14 day period begins to run upon the carrier's receipt of the Petition for Benefits or the information required by Form DWC-1 by mail, facsimile transmission, or telephone conversation.

2. If the carrier amends Form DWC-1a, the carrier shall send a copy of the amended form to the employer and the employee. The carrier shall send the form to the Division only if requested by the Division.

(e) Medical Only to Lost Time Cases: If a case originally reported as a medical only case under paragraph (2)(a) later involves the loss of more than seven days of work as a result of the industrial injury or illness, the carrier shall send Form DWC-1 to the Division within 14 days of its knowledge of the change in status of the case.

(d) Denied Lost Time Cases: The carrier shall report all lost time claims which it denies in entirety to the Division by sending Forms DWC-1 and DWC-12, Notice of Denial, within 14 days after receiving either Form DWC-1 or a Petition for Benefits. The carrier shall also send the employer and the employee a copy of the Form DWC-12 which it sends to the Division.

(3) If the employee was employed by more than one employer at the time of the injury, the carrier shall complete the top portion of Form DWC-1a before sending it to the employee to obtain the concurrent wage information.

Specific Authority 440.14(5), 440.185(2),(5),(9), 440.20(3), 440.207(2), 440.51(8),(9), 440.591 FS. Law Implemented 440.12, 440.185(2),(5),(9), 440.20(2)(a), 440.20(6), 440.41 FS. History--New 4-11-90, Amended 1-30-91, 11-8-94, 12-5-96, Formerly 38F-3.0045, 4L-3.0045, Amended _____.

69L-3.0046 Wage Statement: Employer's and Claims-Handling Entity's Responsibility to Record and Report Wages.

(1) Employer's responsibility: The employer shall report wage information to the claims-handling entity on Form DFS-F2-DWC-1a, as adopted in Rule 69L-3.025, F.A.C., pursuant to Section 440.14, F.S. The employer shall provide the claims-handling entity all required wage information within 14 days of the employer's knowledge of a "lost time" or a "medical only to lost time case".

(2) Claims-handling entity's responsibility:

(a) The claims-handling entity shall compare Forms DFS-F2-DWC-1 and DFS-F2-DWC-1a, as adopted in Rule 69L-3.025, F.A.C., to confirm that the employee name, social security number or other identifying information, and the date of injury on the two forms are consistent.

(b) For earnings of concurrent employment, the claims-handling entity shall inform the employee of the responsibility of providing the claims-handling entity with any concurrent wage information. The claims-handling entity shall provide a blank copy of Form DFS-F2-DWC-1a to the employee within 3 business days of the claims-handling entity's knowledge of the employee's concurrent employment, in order for the employee to timely provide any concurrent wage information.

Specific Authority 440.14, 440.185(5), 440.591 FS. Law Implemented 440.12(2), 440.185(5),(9) FS. History--New _____.

69L-3.0047 Fraud Statement.

(1) An injured employee or any other party making a claim shall provide his or her personal signature attesting that they have reviewed, understand and acknowledge the fraud statement as specified in Section 440.105(7), F.S.

(2) A party who makes claims for services provided to the claims-handling entity on a recurring basis may make one personally signed attestation to the claims-handling entity as required by Section 440.105(7), F.S., which will satisfy the requirement for all claims submitted to the claims-handling entity for the calendar year in which the attestation is submitted.

Specific Authority 440.105(7), 440.591 FS. Law Implemented 440.105(7) FS. History—New _____.

69L-3.0085 Funeral Expense Bills.

Specific Authority 440.591 FS. Law Implemented 440.16, 440.20(2) FS. History—Formerly 38F-3.15, New 10-30-79, Amended 11-5-81, Formerly 38F-3.085, Amended 4-11-90, 1-30-91, 11-8-94, Formerly 38F-3.0085, Repealed _____.

69L-3.0091 Notice of Action/Change.

The claims-handling entity shall send Form DFS-F2-DWC-4, as adopted in Rule 69L-3.025, F.A.C., to the Division as specified in this section for any industrial accident or injury filed for lost time cases as defined in subsection 69L-3.0045(2), F.A.C., within 14 days of the claims-handling entity's knowledge of the action or change which it is reporting. The claims-handling entity shall complete the applicable fields for each required Form DFS-F2-DWC-4; the "Remarks" section may only be used to supplement the information reported. The claims-handling entity shall send to the employee and the employer copies of Form DFS-F2-DWC-4, for each action or change required by this section within 14 days of the claims-handling entity's knowledge of the action or change which it is reporting to the Division.

(1) The claims-handling entity shall use the following codes to identify a particular "Disability Type" on Form DFS-F2-DWC-4, where it shall indicate the "Disability Type" in the applicable fields "Indemnity Reinstated After Suspension" or "Disability Type Adjusted". The carrier shall send to the Division, with copies to the employer, employee, legal counsel if represented, and dependents of the deceased employee and their legal counsel, Form DWC 4, within 14 days of the action or change which it is reporting:

"Disability Types":

- (a) "TT" means temporary total disability benefits.
- (b) "TTC" means increased temporary total disability benefits payable at 80% of the average weekly wage.
- (c) "TTE" means additional temporary total compensation paid during training and education.
- (d) "TP" means temporary partial disability benefits.

(e) "PI" means permanent impairment benefits for dates of accident prior to January 1, 1994.

(f) "IB" means impairment income benefits paid pursuant to Section 440.15(3)(a)3., F.S. (1994) for dates of accident on or after January 1, 1994.

(g) "WL" means wage loss benefits for dates of accident prior to January 1, 1994.

(h) "SB" means supplemental income benefits paid pursuant to Section 440.15(3)(b), F.S. (1994) for dates of accident on or after January 1, 1994 through September 30, 2003.

(i) "PT" means permanent total disability benefits.

(j) "DB" means death benefits.

(2) The carrier is not required to send Form DWC 4, Notice of Action/Change, if indemnity benefits have never been paid with respect to an industrial accident or injury.

(3) If a carrier initially denies a case and later rescinds its denial, the carrier shall complete and send Form DWC 4 in addition to Form DWC-12. The carrier shall report the "initial indemnity started effective date" on Form DWC 4 as the date disability began. The carrier shall also state the indemnity disability type, the average weekly wage, and the compensation rate.

(4) The carrier shall use the following codes to identify a particular disability type on Form DWC 4, where the carrier must indicate "initial indemnity started" or "indemnity reinstated after suspension":

DISABILITY TYPES:

- (a) TT means temporary total disability benefits.
- (b) TTC means increased temporary total disability benefits payable at 80% of the average weekly wage.
- (c) TTE means additional temporary total compensation paid during training and education.
- (d) TP means temporary partial disability benefits.
- (e) PI means permanent impairment benefits for dates of accident prior to 1/1/94.
- (f) IB means impairment income benefits paid pursuant to s. 440.15(3)(a)3., F.S. (1994) for dates of accident on or after 1/1/94.
- (g) WL means wage loss benefits for dates of accident prior to 1/1/94.
- (h) SB means supplemental income benefits paid pursuant to Section 440.15(3)(b), F.S. (1994) for dates of accident on or after 1/1/94.

(i) PT means permanent total disability benefits.

(j) DB means death benefits.

(2)(5) The carrier shall send Form DWC 4 when the carrier suspends payment of all indemnity benefits and does not intend to continue the benefits under another disability type. If the claims-handling entity carrier suspends benefits for any of the reasons stated in paragraphs (a)-(h) below, the claims-handling entity carrier shall send the Division Form

DFS-F2-DWC-4, and not Form DFS-F2-DWC-12, as adopted in Rule 69L-3.025, F.A.C. The claims-handling entity carrier shall must state the "Effective Date" effective date of the suspension and the applicable suspension "Reason Code" in the applicable fields reason code. The "Effective Date" of the suspension shall be the last date through which benefits were paid. The following "Suspension Reason Codes" codes shall be used to identify the reason for which all indemnity benefits have been suspended:

(a) "S1" means returned to work, or medically determined or qualified to return to work. All indemnity benefits have been suspended because the employee has returned to work, or has been medically released to return to work, and the claims-handling entity carrier does not anticipate paying further indemnity benefits of any kind.

(b) "S2" means medical noncompliance. The employee failed to report for an independent medical examination pursuant to Section s. 440.13(5)(d), F.S., (1994); or failed to report for an evaluation by an expert medical advisor appointed by a Judge of Compensation Claims JCC pursuant to Section s. 440.13(9)(c), F.S. (1994).

(c) "S3" means administrative noncompliance. The employee has failed to comply with one or more of the following statutory sections and any applicable rules:

1. Section s. 440.15(1)(e)3., F.S. (1994) – employee in PT status failed to attend vocational evaluation or testing.

2. Section s. 440.15(1)(f)2.b., F.S. (1994) – employee in PT status failed to report or apply for social security benefits.

3. Section s. 440.15(2)(d), F.S. (1994) – employee in TT status failed or refused to complete and return the Form DFS-F2-DWC-19.

4. Section 440.15(7), F.S. (1994) – employee in TP status failed or refused to complete and return the Form DFS-F2-DWC-19.

~~5. Section s. 440.15(6),(7), F.S. (2003 1994) – employee refused suitable employment.~~

~~5. s. 440.15 (8), F.S. (1994).~~

6. Section s. 440.15(9)(10), F.S. (2003 1994) – employee failed or refused to sign and return the release for social security benefits earnings on the Form DFS-F2-DWC-14, or unemployment compensation earnings on Form DFS-F2-DWC-30, as adopted in Rule 69L-3.025, F.A.C.

7. Section 440.491(6)(b), F.S. (2003) – employee failed or refused to accept vocational training or education.

8. Section 440.15(4)(d), F.S. (2003) – employee in TP status failed to notify the claims-handling entity of the establishment of earnings capacity within 5 business days of returning to work.

9. Section 440.15(4)(e), F.S. (1994) – employee in TP status terminated from post-injury employment due to the employee's misconduct.

10. Section 440.105(7), F.S., (2003) – employee failed or refused to sign and return the fraud statement.

(d) "S4" means employee claimant death. ~~The carrier has suspended all indemnity benefits because of the employee's death, whether or not the death is compensable. This code is used if there are no known or confirmed dependents to whom death benefits must be paid or if because the death was not compensable.~~

(e) "S5" means incarceration. The employee has become an inmate of a public institution and compensation benefits have been suspended because there are no known or confirmed dependents.

(f) "S6" means employee's claimant's whereabouts unknown. The claims-handling entity's carrier's good faith repeated attempts to locate and send compensation checks to the employee have been unsuccessful; or the employee has no known address, representative or guardian to whom the claims-handling entity carrier can send compensation checks; or compensation checks have been returned to the claims-handling entity carrier indicating that the employee has moved, with the address unknown, or does not reside not at that address.

(g) "S7" means benefits exhausted, or entitlement to benefits exhausted, due to statutory limits. The employee is no longer eligible for or entitled to any indemnity benefits.

(h) "S8" means jurisdiction change. The employee elects to receive workers' compensation benefits under another state's law, or the claims-handling entity carrier determines the claim is compensable under the Federal Employers Liability Act, the Longshoremen's and Harbor Workers' Compensation Act, or the Jones Act.

~~(3)(6)~~ The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it reinstates indemnity benefits after a suspension. It shall must state the "Effective Date" effective date of the "Indemnity Reinstated After Suspension" reinstatement and the "Disability Type" disability type of disability benefits being reinstated in the applicable fields.

~~(4)(7)~~ The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when the employee has resumed work, or has been medically released to return to work. The date the employee resumed work is the employee's actual return to work date and is to be reported in the "Actual Return To Work Date" field. The date the employee's medical release states that the employee may resume work is the employee's released to return to work date and is to be reported in the "Released To Return To Work Date" field. The carrier must indicate whether the employee was given any physical restrictions in the "Restrictions?" fields identified as either "Yes" or "No".

~~(5)(8)~~ The claims-handling entity shall send Form DFS-F2-DWC-4 reporting the date the judge of compensation claims mailed the final order pursuant to Sections 440.20(11)(a), (b) or (c), F.S. in the "Final Indemnity Settlement Date" field. The carrier shall send Form DWC-4 when a final indemnity settlement has been approved signed pursuant to Section 440.20(11), F.S. It must state the date the

~~final indemnity settlement was paid. The date the settlement was paid shall not be reported as earlier than the date the settlement was actually approved.~~

~~(6)(9) The claims-handling entity shall send Form DFS-F2-DWC-4 when it is paying benefits to the employee after establishing the overall maximum medical improvement date and a permanent impairment rating to the body as a whole greater than zero. The date on which the overall maximum medical improvement is established is to be reported in the "MMI Date" field and the permanent impairment rating is to be reported in the "PI Rating" field. The carrier shall send Form DWC 4 when the employee has reached overall maximum medical improvement or has been given a permanent impairment rating. It must state the date the employee reached overall maximum medical improvement and the percentage of permanent impairment on which it will calculate payment of wage loss benefits, permanent impairment benefits, or impairment income benefits.~~

~~(7)(40) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 to report the date of the employee's death in the "Date of Death" field, whether or not the death is considered compensable.~~

~~(11) The carrier shall send Form DWC 4 when it pays permanent impairment benefits for dates of injury that occurred prior to 1/1/94. It must state the date the permanent impairment benefits are paid.~~

~~(8)(42) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it begins payment of impairment income benefits for dates of injury on and after January 1, 1994 1/1/94. It shall ~~must~~ state the date the impairment income benefits were started in the "Start Date" field, the weekly rate at which the benefits will be paid in the "Weekly Rate" field, and the total number of weeks the employee is entitled to the benefits in the "Total Number of Weeks of Entitlement" field. If the "Weekly Rate" at which the benefits will be paid changes because the employee returned to work or stopped earning at least the average weekly wage, the claims-handling entity shall file a DFS-F2-DWC-4 to report the new "Start Date" and the new "Weekly Rate" at which the benefits will be paid.~~

~~(9)(43) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it amends either the employee's average weekly wage or the compensation rate. It shall state the previous average weekly wage in the "Previous AWW" field and previous compensation rate in the "Previous Comp Rate" field and the amended average weekly wage in the "Amended AWW" field and the amended compensation rate in the "Amended Comp Rate" field. It shall also indicate if the average weekly wage change was retroactive to the date of injury in the "Yes" or "No" boxes in the "Retroactive to D/A" field, and if not, the date on which the new average weekly wage was effective in the "If No, Give Effective Date" field.~~

~~(10)(a)(14) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 if when the employee is accepted or adjudicated as permanently and totally disabled. The following information, when applicable, shall be provided:~~

~~1. It shall include ~~T~~the date on which the employee was accepted or adjudicated as permanently and totally disabled in the "Date Accepted/Adjudicated" field.~~

~~2. The claims-handling entity shall report any changes to the weekly rate at which the permanent total supplemental benefits will be paid, corresponding to the rate change in PT Supplemental Benefits, including the annual rate increases in the "PT Supplemental Rate" field. It shall also send this form to report the rate at which permanent total supplemental benefits are being paid and the effective date of the permanent total supplemental payment rate, as well as to report annual changes in this rate.~~

~~3. The effective date of the change in the permanent total supplemental benefits rate, including the effective date for annual rate increases is to be reported in the "PT Supp Effective Date" field.~~

~~(b) If the employee's permanent total supplemental benefits are suspended because the employee has reached age 62 and is eligible for Social Security benefits, then the claims-handling entity carrier will reports \$0 as the permanent total supplemental rate in the "PT Supplemental Rate" field. The effective date is the date on which permanent total supplemental benefits will no longer be paid and is to be reported in the "PT Supp Effective Date" field.~~

~~(11)(45) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it adjusts or offsets the employee's weekly compensation rate. It shall include the Benefit Adjustment Type Code in the "Benefit Adjustment Code" section, the "Disability Type" in the "Disability Type Adjusted" field, the weekly amount by which the employee's payment is being reduced in the "Weekly Adj Amount" field, and the date the offset or adjustment is effective in the "Effective Date" field. If the offset or adjustment is temporary, the claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it resumes payment at the former rate to report the date the adjustment ends in the "Adjustment End Date" field.~~

~~(a) If the claims-handling entity carrier sends Form DFS-F2-DWC-4 to report a change in the employee's weekly compensation rate due to a social security offset, it shall ~~must~~ send a completed Form DFS-F2-DWC-14 when it submits Form DFS-F2-DWC-4.~~

~~(b) The following codes shall be used to show that the rate of pay has been adjusted due to the corresponding reason(s), or that the rate of pay has been offset because of the below reason(s):~~

BENEFIT ADJUSTMENT CODES:

1. "A" means apportionment or contribution. The weekly benefit amount has been reduced for shared or partial liability(s).

2. "B" means subrogation or third party offset. The weekly benefit amount has been reduced for recovery from third party tortfeasor pursuant to Section ~~§~~ 440.39(2), F.S. ~~(1994)~~.

3. "C" means overpayment credit. The weekly benefit amount has been reduced for benefits paid but not owed, pursuant to Section ~~§~~ 440.15(12)(13), F.S. ~~(1994)~~.

4. "H" means child support or alimony reduction. The weekly benefit amount has been reduced for income deduction orders, pursuant to Section ~~§~~ 61.1301, F.S.

5. "N" means medical noncompliance offset. The weekly benefit amount has been reduced because the employee has failed to accept training and education pursuant to Section ~~§~~ 440.491(6)(b), F.S., for dates of accident prior to October 1, 2003 or the employee has failed to timely cancel an independent medical examination pursuant to Section ~~§~~ 440.13(5)(d), F.S. ~~(1994)~~.

6. "P" means advance recoupment. The weekly benefit amount has been reduced for reimbursement of benefit payments advanced pursuant to Section ~~§~~ 440.20(13), F.S.

7. "R" means social security retirement offset. The weekly benefit amount has been reduced for retirement benefits paid under the Federal Old Age, Survivors, and Disability Insurance Act, pursuant to Section ~~§~~ 440.15(9)(10), F.S.

8. "S" means social security disability offset. The weekly benefit amount has been reduced for disability benefits paid under the Federal Old Age, Survivors, and Disability Insurance Act, pursuant to Section ~~§~~ 440.15(9)(10), F.S.

9. "U" means unemployment compensation offset. The weekly benefit amount has been reduced for unemployment compensation benefits, pursuant to Section ~~§~~ 440.15(10)(11), F.S.

10. "V" means safety violation offset. The weekly benefit amount has been reduced for safety violation(s) pursuant to Section ~~§~~ 440.09(5), F.S.

11. "X" means death or dependent change. The weekly benefit amount has been adjusted because of a change in number or kind of dependents entitled to death benefits pursuant to Section ~~§~~ 440.16, F.S.

(c) For permanent total cases only, if the claims-handling entity is taking an offset based on the Supreme Court holding in *Escambia County Sheriff's Dept. v. Grice*, 692 So. 2d 896 (Fla. 1997), it shall indicate "Yes" in the "Grice Offset? (Y)" field in the "Benefit Adjustments" section on Form DFS-F2-DWC-4.

(12)(16) The claims-handling entity carrier shall send Form DFS-F2-DWC-4, or the electronic equivalent, to report a correction in the employee's social security number in the "Social Security Number/Correct #" field, date of accident in the "Date of Accident/Correct Date" field, employee's name in

the "Employee's Name/Correct Name" field, or the claims-handling entity carrier or servicing company handling the case in the "Claims-handling Entity" field. When reporting corrections to the employee's name, social security number, or date of accident, the claims-handling entity carrier shall include the original (incorrect) information at the top of the form, and the corrected (new) information in the applicable field in the "Corrections Of" corrections of section. When reporting a change in the employer liable for compensation, the carrier of the employer which has become liable for compensation shall send this form, and additionally state the name and address of the employer now liable for compensation in the "remarks" section. The claims-handling entity shall report these changes only for lost time cases as defined in subsections 69L-3.002(17) and (19), F.A.C.

(13) The claims-handling entity shall send Form DFS-F2-DWC-4 to report or change the class code of the employee in the "Class Code" field or the employer's NAICS code in the "NAICS Code" field.

(17) The carrier may send Form DWC-4 to report or change information on risk class code, SIC code or Carrier/Service Company, or it may use other forms as provided in this chapter.

Specific Authority 440.591, 440.185, 440.20(3) FS. Law Implemented 440.15(3)(d)2, 440.185, 440.20, 440.207(2), 440.51(8),(9) FS. History—New 1-30-91, Amended 11-8-94. Formerly 38F-3.0091, 4L-3.0091, Amended

69L-3.012 Notice of Denial.

(1) If Whenever the claims-handling entity denies carrier disputes the employee's entitlement to any benefits, or subsequently rescinds that denial, it shall send a copy of Form DFS-F2-DWC-12, as adopted in Rule 69L-3.025, F.A.C., to the employee, employer and any additional party requesting payment or authorization. The Form DFS-F2-DWC-12 shall be mailed within 14 days of the date the claims-handling entity decided to deny or rescind the denial of benefits complete Form DWC-12, and send copies of the form to the parties. It shall send the Form DWC-12 form to the Division only when required by this rule.

(2) If the claims-handling entity carrier initially denies the compensability of or coverage for a lost time case, it shall send Form DFS-F2-DWC-12 to the Division within 14 days after the claims-handling entity receives notification carrier receives notice of the injury, illness or death. The claims-handling entity carrier shall also mark the "Denied Case" box "Box 1" on Form DFS-F2-DWC-1 and send it with Form DFS-F2-DWC-12, pursuant to subparagraph 69L-3.0045(1)(d) 5.a.(e)1, F.A.C.

(3) If the claims-handling entity initially denies only the indemnity benefits of a claim, it shall send Form DFS-F2-DWC-12 to the Division within 14 days after the claims-handling entity's notification of the injury, illness or death. The claims-handling entity shall also mark the "Indemnity Only Denied Case" box on Form DFS-F2-DWC-1.

as adopted in Rule 69L-3.025, F.A.C., and send it with Form DFS-F2-DWC-12, pursuant to sub-subparagraph 69L-3.0045(1)(d)5.b., F.A.C.

~~(4)(3) When the claims-handling entity denies any subsequent indemnity benefit on a lost time case, it shall send Form DFS-F2-DWC-12. The Form DFS-F2-DWC-12 shall be sent to the Division within 14 days of the claims-handling entity's knowledge of the requested benefit being denied.~~

~~(a) If the carrier initiates payment of indemnity benefits without prejudice and without admitting liability pursuant to s. 440.20(4), F.S., but denies benefits within 120 days after the initial provision of indemnity benefits, it shall send Form DWC-12 to the Division, claimant, employer, and other interested parties within 14 days after cessation of benefits and shall set forth the reasons for the denial on Form DWC-12.~~

~~(b) If the carrier initiates payment of indemnity benefits without prejudice but denies compensability after 120 days after the initial provision of indemnity benefits, the carrier shall send Form DWC-12, to the Division, claimant, employer, and other interested parties within 14 days after cessation of benefits and shall set forth the reasons for the denial on Form DWC-12.~~

~~(5)(4) If a Petition for Benefits is the claims-handling entity's first notification of an injury and the claims-handling entity denies the case in its entirety, it shall send Forms DFS-F2-DWC-12 and DFS-F2-DWC-1 to the Division within 14 days of the claims-handling entity's receipt of the Petition for Benefits. Within 14 days after it receives by certified mail a Petition for Benefits, the carrier must either pay the requested benefits or send Form DWC-12 to the Division. The carrier must also send copies of Form DWC-12 by certified mail to the party filing the Petition for Benefits, the employer, and the claimant. If an individual self-insured employer acts as its own servicing agent, it need not send the employer's copy. Only those benefits requested in the petition that are being denied should be responded to on Form DWC-12. Benefits requested in the petition that are not in dispute and that have or will be paid by the carrier should be responded to in a separate letter, which shall be mailed to the party filing the petition for benefits, the employer, and the claimant.~~

~~(6)(5) When the claims-handling entity has previously denied any indemnity benefits for a lost time case and has sent Form DFS-F2-DWC-12 to the Division, and then commences the payment of indemnity benefits, the claims-handling entity shall send Form DFS-F2-DWC-12 with the denial rescinded section completed. The "Date Denial Rescinded" is the date the claims-handling entity decided to rescind the denial. The Form DFS-F2-DWC-12 shall be sent to the Division within 14 days of the date that the denial was rescinded.~~

~~(a) If the carrier has denied benefits for a lost time case and has sent Form DWC-12 to the Division, and then voluntarily commences the payment of indemnity benefits or is ordered to pay indemnity benefits, it shall send a copy of the~~

~~original Form DWC-12 with the "Date Denial Rescinded" section completed, within 14 days after it commences payment. The "Date Prepared" shall be corrected to reflect the date the rescinded Form DWC-12 was completed. The date that payments commence shall be stated in the "Date Denial Rescinded" section.~~

~~(b) The carrier must also send Form DWC-4 and indicate as the "effective date" the date disability began. It shall indicate the employee's average weekly wage in the section for "previous average weekly wage." It shall indicate the employee's compensation rate in the section for "previous comp rate."~~

~~(7)(6) When an employee requests wage loss benefits for dates of accident August 1, 1979, through December 31, 1993, by sending Form DFS-F2-DWC-3, as adopted in Rule 69L-3.025, F.A.C., to the claims-handling entity carrier, and the wage loss calculation yields an amount of benefits payable, but the claims-handling entity carrier denies or disputes the employee's eligibility for those benefits, the claims-handling entity carrier shall, within fourteen (14) days of receipt of the Form DFS-F2-DWC-3 form:~~

~~(a) Send to the Division the following: Form DWC-3, completed by the employee and the carrier; Form DWC-12; and a copy of any information or document relating to the employee's job search.~~

~~1. Form DFS-F2-DWC-3, completed by the employee and the claims-handling entity.~~

~~2. Form DFS-F2-DWC-12; and~~

~~3. A copy of any information or document relating to the employee's job search.~~

~~(b) Send to the employee the following: copies of the Forms DWC-3 and a DWC-12, which it sent to the Division.~~

~~1. Copies of the Forms DFS-F2-DWC-3; and~~

~~2. DFS-F2-DWC-12.~~

~~(8)(7) When an employee files a Statement of Quarterly Earnings for Supplemental Income Benefits for Dates of Accident January 1, 1994, through September 30, 2003, Form DFS-F2-DWC-40, as adopted in Rule 69L-3.025, F.A.C., and the supplemental income benefit calculation yields an amount of benefits payable, but the claims-handling entity carrier denies or disputes the employee's eligibility for those benefits, the claims-handling entity carrier shall, within 14 days of receipt of the form:~~

~~(a) Send to the Division the following: Form DWC-40, completed by the employee and the carrier, and Form DWC-12.~~

~~1. Form DFS-F2-DWC-40, completed by the employee and the claims-handling entity; and~~

~~2. Form DFS-F2-DWC-12.~~

~~(b) Send to the employee the following: copies of the Forms DWC-40 and a DWC-12, which it sent to the Division.~~

1. Copies of the Forms DFS-F2-DWC-40; and
2. DFS-F2-DWC-12.

Specific Authority 440.591, 440.20(3), 440.20(15)(f) FS. Law Implemented 440.12(2), 440.14, 440.20(2)(4), 440.192(8), 440.20(9), 440.20(15)(f), 440.207(2) FS. History—New 10-30-79, Amended 11-5-81, 5-30-82, 6-12-84, Formerly 38F-3.12, Amended 4-11-90, 1-30-91, 11-8-94, Formerly 38F-3.012, 4L-3.012, Amended _____.

69L-3.016 Claim Cost Report.

(1) The claims-handling entity carrier shall send Form DFS-F2-DWC-13, as adopted in Rule 69L-3.025, F.A.C., to the Division for only in the following cases:

(a) Lost time cases as defined in subsection 69L-3.002(17), F.A.C., which include lost time cases in which no indemnity benefits have been paid for volunteers pursuant to Section 440.02(15), F.S., and compensable death cases with no dependents. Cases in which the carrier has paid indemnity benefits, including benefits pursuant to a lump sum settlement.

(b) Lost time cases in which the employee has received full salary in lieu of compensation for 8 or more days of disability. Cases in which the employee has received salary in lieu of compensation.

(c) Cases in which the only indemnity benefits paid were for impairment income benefits, a lump sum settlement or a final settlement.

(2) The claims-handling entity carrier shall send Form DFS-F2-DWC-13, to the Division at the following times:

(a) Initial Claim Cost Report: The Form DFS-F2-DWC-13 shall reflect all cumulative claim costs paid within the first 6 months of the date of accident. This report shall be sent within 30 days after the 6-month anniversary of the date of accident. The initial claim cost report shall not be sent prior to the 6-month anniversary unless the case is closed. The claims-handling entity shall indicate the type of report as "Initial Report Summarizing First Six Months." Six months after the date of accident, if any indemnity benefits have been paid within that time. The carrier shall indicate that this is the "initial report summarizing first six months." If the case became a lost time case after 6 or more months from the date of accident, the carrier shall submit Form DWC-13 within 30 days after the anniversary date of the accident. The carrier shall indicate that this is an initial report.

1. If the case status changed to lost time after the 6-month anniversary of the date of accident, the claims-handling entity shall submit Form DFS-F2-DWC-13, in accordance with paragraph 69L-3.016(2)(b), F.A.C. The claims-handling entity shall indicate the type of report as "Initial Report Summarizing First Six Months" and "Annual Report On Open Case."

2. If the case is closed within 6 months of the date of accident, the claims-handling entity shall submit Form DFS-F2-DWC-13 and indicate the type of report as "Initial Report Summarizing First Six Months" and "Final Report – Case Closed – No Activity in Past Year or Case Settled."

(b) Annual Claim Cost Report: The Form DFS-F2-DWC-13 shall reflect all cumulative claim costs paid on the case since the date of accident. The Form DFS-F2-DWC-13 shall be sent to the Division within ~~Within~~ 30 days after each annual anniversary of the date of accident for all open cases which the carrier considers to be open. The claims-handling entity carrier shall indicate the type of report, as that this is an "Annual Report On Open Case." This filing shall not occur prior to the anniversary date of the date of accident unless the case is closed.

(c) Final Claim Cost Report: Within 30 days after the anniversary of the date of accident, for all cases in which no payments which must be reported on Form DWC-13 have been made in the previous year, or if the carrier considers a case to be closed with respect to medical and indemnity benefits, The carrier shall indicate that this is a "Final Report Case Closed." After having sent a final report, the carrier is not required to send a subsequent Form DWC-13 unless a payment for any category of benefits reported on Form DWC-13 is made subsequent to sending a "Final Report Case Closed." The carrier shall report those payments by sending a Form DWC-13 within 30 days after the anniversary of the date of accident. The carrier shall indicate that this is a "final report/case closed."

1. The Form DFS-F2-DWC-13 shall reflect all cumulative claim costs paid on the case since the date of accident. The form shall be sent within 30 days after the annual anniversary of the date of accident for lost time cases closed since the last required filing of the Form DFS-F2-DWC-13. However, the claims-handling entity may send the Final Form DFS-F2-DWC-13 prior to the anniversary date if it has closed a case with respect to medical and indemnity benefits. The claims-handling entity shall indicate the type of report as a "Final Report-Case Closed – No Activity In Past Year Or Case Settled."

2. After filing a Final Claim Cost Report, if the claims-handling entity makes a subsequent payment for any category of benefits required to be reported on Form DFS-F2-DWC-13, the claims-handling entity shall send an amended Final Form DFS-F2-DWC-13 in accordance with paragraph 69L-3.016(2)(d), F.A.C.

(d) Amended Claim Cost Report: If the claims-handling entity determines that the previously filed Form DFS-F2-DWC-13 was misreported or incorrect, it shall file an amended claim cost report to make the corrections within 30 days of the claims-handling entity's determination. The claims-handling entity shall indicate the report type by marking the appropriate box and include the word "Amended" in the "Type of Report" section on the Form DFS-F2-DWC-13.

(3) The claims-handling entity carrier shall complete Form DFS-F2-DWC-13 for all lost time cases ~~dates of accident~~, and shall include the following information, where applicable:

(a) The type of report being sent.

(b) The exact “Average Week Wage” ~~average weekly wage~~ and “Compensation Rate” ~~compensation rate~~ as of the date the report is sent, in dollars and cents.

(c) The “Full Salary End Date” for employees who receive full salary in lieu of compensation for any period after the date of accident. ~~The “Salary End Date” is the date through which the employer continued salary in lieu of compensation. However, When if the employer pays continues to pay full salary in lieu of compensation through the time the form is sent, the claims-handling entity shall carrier must mark the “Full Salary Continued In Lieu Of Compensation for Any Period Of Time” box “Yes” and leave the “Full Salary End Date” blank.~~

(d) The number of “Weeks” and “Days” ~~weeks and days~~ for which a particular indemnity benefit was paid, except for statutory permanent impairment and wage loss benefits for dates of accident prior to January 1, 1994 ~~1/1/94~~. Indemnity benefits are payable only for entire days and not fractions thereof.

(e) The exact cumulative total amount, in dollars and cents, of all benefits paid up to the date the form is sent, including amounts reported on previous Forms DFS-F2-DWC-13 in the “Total (Paid To Date Columns I & II)” ~~field forms~~.

(f) The cumulative total of any recoveries the claims-handling entity ~~carrier~~ has obtained up to the filing of the form, except for recovery of overpayments. Totals entered as “Paid to Date” in Columns I and II are not reduced for recoveries, except for recovery of overpayment. Recovery of a deductible amount chargeable to an employer is reported in “All Other Recoveries Except Overpayments ~~all other recoveries except overpayments.”~~

(g) The amount of money for indemnity and medical benefits settled and paid in a lump sum, or the amount of ~~money~~ paid to an employee as a lump sum settlement for medical benefits only, and the date payment mailed is to be reported in the “Date Paid” ~~field~~ for either settlement type as applicable. This latter settlement amount ~~shall must~~ be reported only for lost time cases on Form DFS-F2-DWC-13 as “Medical Settlement Amt.” ~~For multiple settlements, the cumulative amount of the settlements and the latest settlement date shall be reported. Medical benefits may be the subject of a lump sum settlement regardless of the employee’s date of injury.~~

(h) In the event that claims are transferred from one claims-handling entity to another, the insurer shall provide cumulative totals by specific claim cost type for all applicable data elements on Form DFS-F2-DWC-13 on each transferred case to the acquiring claims-handling entity. All subsequent reporting on Form DFS-F2-DWC-13 shall include all historical data.

Specific Authority 440.591, 440.185 FS. Law Implemented 440.185, ~~440.51(6)~~ FS. History—New 10-30-79, Amended 11-5-81, Formerly 38F-3.16, Amended 4-11-90, 1-30-91, 11-8-94. Formerly 38F-3.016, Formerly 4L-3.016, Amended _____.

69L-3.018 Wage Loss Benefits Due to Permanent Impairment (Dates of Accident August 1, 1979 through December 31, 1993).

(1) Employee’s Responsibilities. During any ~~two~~ 2 week period in which wage loss due to permanent impairment is suffered, the employee shall file a ~~an~~ Form DFS-F2-DWC-3, as adopted in Rule 69L-3.025, F.A.C., Request for Wage Loss/Temporary Partial Benefits, with the claims-handling entity ~~carrier~~ within 14 days of the end of that period. The employee shall complete the “Employee” portion of the Form DFS-F2-DWC-3 and the employee shall also fill out the back of the Form DFS-F2-DWC-3 thereby furnishing the claims-handling entity ~~carrier~~ a “work search report” for the period during which wage loss benefits are claimed, including the name, address, telephone number, and person contacted at each business where the claimant applied for work during the period for which wage loss benefits are being claimed, the date the claimant applied for work at each business, and a description of the type of work or the specific job for which the claimant applied at each. The listing should also include any contacts with a public or private employment agency and the dates of such contacts. The employee shall sign and date the form with the signature authorizing the release of social security information and Unemployment Compensation wage and benefits information. The employee shall send the completed Form DFS-F2-DWC-3 to the claims-handling entity ~~carrier~~. A Form DFS-F2-DWC-3 ~~form~~ without an original signature of the injured employee shall not be processed for payment by the claims-handling entity ~~carrier~~.

(2) Claims-handling entity’s ~~Carrier’s~~ Responsibilities.

(a) Within ~~five (5)~~ working days of its first knowledge of the date of maximum medical improvement, the claims-handling entity ~~carrier~~ shall send to the employee an informational letter which explains the employee’s possible eligibility for wage loss benefits, together with at least ~~four (4)~~ copies of the Form DFS-F2-DWC-3, Request for Wage Loss/Temporary Partial Benefits. The letter to the employee must contain at least the following ~~information~~:

“Your treating physician has reported that you have reached maximum medical improvement and you may return to work but that you have a permanent impairment which has resulted in a work-related physical restriction which may affect your ability to perform the duties of your usual occupation or other appropriate employment. If this physical restriction causes you to lose wages, you may be entitled to additional benefit payments under the Florida Workers’ Compensation Law.

If you lose wages, you must complete and send a REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS Form ~~form~~ (DFS-F2-DWC-3) to us within 14 days after the end of any ~~two~~ 2 week period for which a loss of wages is

claimed. If you fail to send the completed form within that 14-day period, you may be ineligible for wage loss benefits during that period.

In addition, to be eligible for wage loss benefits, you must demonstrate that you have made a valid effort to obtain suitable gainful employment and that your loss of wages is due to your work related physical restriction and NOT due to economic conditions, the unavailability of jobs, your unemployment due to misconduct or your failure to accept employment within your capabilities.

To show that you have made a genuine effort to obtain employment, list the dates, names, addresses, type of work, person contacted and the telephone number of the places of employment that you have contacted on the reverse side of the REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS form. You should also list the dates you make contact with ~~the Florida Job Service Office and any other~~ public or private employment agency.

Please note that the Florida Workers' Compensation Law allows us to evaluate your efforts to obtain gainful employment beginning with the 13th week after you have reached maximum medical improvement. If it can be shown that there are actual job openings within your geographical area and which are within your physical and vocational capabilities, the amount of earning you could have earned at those jobs can be deducted from your benefit payment.

Enclosed are REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS forms for your use. Keep them with your other valuable documents until you either use them or your entitlement to these benefits expires. We are also reporting your permanent impairment to the Division of Workers' Compensation in Tallahassee.

If you desire further information regarding wage loss benefits, you may call the Employee Assistance and Ombudsman Office of the Division of Workers' Compensation at any of their local offices, or at 1(800)342-1741."

(b) The claims-handling entity carrier shall date stamp the Form DFS-F2-DWC-3 upon receipt and within 14 days of receipt of the Form DFS-F2-DWC-3 from the employee, the claims-handling entity carrier shall complete calculation of benefits due, make any payments due, and send copies of the completed form to the employee and the employer. The claims-handling entity carrier shall also send the employee a blank Form DFS-F2-DWC-3. If the claims-handling entity carrier is denying wage loss benefits, the claims-handling entity carrier shall indicate in the claims-handling entity carrier processing section of the Form DFS-F2-DWC-3 that wage loss benefits are being denied, complete a ~~an~~ Form DFS-F2-DWC-12, as adopted in Rule 69L-3.025, F.A.C., Notice of Denial and send both forms to the employee, employer, legal counsel, and the Division within 14 days of the claims-handling entity's carrier's receipt of Form DFS-F2-DWC-3.

(3) Calculation of Wage Loss Benefits. The first calendar week of eligibility for wage loss benefits may be a partial week since eligibility begins on the date of maximum medical improvement. All other weeks of eligibility shall be full calendar weeks. To determine the amount of wage loss benefits due for a partial week: divide the pre-injury average weekly wage by the number of days employed per week, multiply by the number of days from date of maximum medical improvement through the last working day of that calendar week, multiply by 85 % if the date of accident is before July 1, 1990, or by 80 % if the date of accident is July 1, 1990 or later, insert the resulting figure on the Form DFS-F2-DWC-3 in the box labeled "ADJ. WW," and complete the calculations shown on that form.

Specific Authority 440.591, 440.15(3)(b), 440.185(4),(10), 440.41 FS. (1993), Law Implemented 440.15(3), 440.185(4),(10) FS. (1993), History--New 10-30-79, Amended 11-5-81, 5-30-82, 6-12-84, Formerly 38F-3.18, Amended 4-11-90, 1-30-91, 11-8-94, 11-11-96, Formerly 38F-3.018, 4L-3.018, Amended _____.

69L-3.019 Wage Loss Benefits for Temporary Partial Disability (Dates of Accident August 1, 1979 through December 31, 1993).

(1) Employee's Responsibilities. During any ~~two~~ 2 week period in which wage loss for temporary partial disability is suffered, the employee shall file a Form DFS-F2-DWC-3, as adopted in Rule 69L-3.025, F.A.C., Request for Wage Loss/Temporary Partial Benefits, with the claims-handling entity carrier within 14 days. The employee shall complete the "Employee" portion of the Form DFS-F2-DWC-3 and the employee shall also fill out the back of the Form DFS-F2-DWC-3 thereby furnishing the claims-handling entity carrier a "work search report" for the period for which temporary partial wage loss benefits are claimed, including the name, address, telephone number, and person contacted at each business where the claimant applied for work during the period for which temporary partial wage loss benefits are being claimed, the date the claimant applied for work at each business, and a description of the type of work or the specific job for which the claimant applied at each. The listing should also include any contacts with a public or private employment agency and the dates of such contacts. The employee shall sign and date the form with the signature authorizing the release of Social Security information and Unemployment Compensation wage and benefit information. The employee shall file the completed Form DFS-F2-DWC-3 with the claims-handling entity carrier. A Form DFS-F2-DWC-3 ~~form~~ without an original signature of the injured employee shall not be processed for payment by the claims-handling entity carrier.

(2) Claims-handling entity's Carrier's Responsibilities.

(a) Within ~~five~~(5) working days of its first knowledge of the date of temporary partial disability, the claims-handling entity carrier shall mail to the employee an informational letter, which explains the employee's eligibility for temporary partial wage loss benefits, together with at least four (4) copies of the

~~Form DFS-F2-DWC-3, Request for Wage Loss/Temporary Partial Benefits.~~ The letter to the employee must at least contain the following information:

“Your treating physician has reported that you may return to limited duty work with some temporary physical restrictions. Your temporary total disability benefits have been suspended but you may be entitled to additional benefit payments under the Florida Workers’ Compensation Law. If you lose wages, you must complete and send a REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS ~~Form form~~ (DFS-F2-DWC-3) to us within 14 days after the end of any two-week period for which a loss of wages is claimed. If you fail to send the completed form within that 14-day period, you may be ineligible for temporary partial wage loss benefits during that period. In addition, to be eligible for temporary partial wage loss benefits, you must demonstrate that you have made a valid effort to obtain suitable gainful employment and that your loss of wages is due to your work related physical restriction and NOT due to economic conditions, the unavailability of jobs, your unemployment due to misconduct or your failure to accept employment within your capabilities.

To show that you have made a genuine effort to obtain employment, list the dates, names, addresses, type of work, person contacted and the telephone number of the places of employment that you have contacted on the reverse side of the REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS form. You should also list the dates you make contact with ~~the Florida Job Service Office and any other~~ public or private employment agency.

Please note that the Florida Workers’ Compensation Law allows us to evaluate your efforts to obtain gainful employment beginning with the 13th week after you have received the first payment of a temporary partial wage loss benefit. If it can be shown that there are actual job openings within your geographical area and which are within your physical and vocational capabilities, the amount of earnings you could have earned at those jobs can be deducted from your benefit payment.

Enclosed are REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS forms for your use. Keep them with your other valuable documents until you either use them or your entitlement to these benefits expires. We are also reporting your status to the Division of Workers’ Compensation in Tallahassee.

If you desire further information regarding Wage Loss benefits, you may call the Employee Assistance and Ombudsman Office (EAO) of the Division of Workers’ Compensation at any of their local offices, or at 1(800)342-1741.”

(b) The claims-handling entity carrier shall date stamp the Form DFS-F2-DWC-3 upon receipt and within 14 days of receipt of the Form DFS-F2-DWC-3 from the employee, the claims-handling entity carrier shall complete calculation of benefits due, make any payments due, and send copies of the

completed form to the employee and the employer. The claims-handling entity carrier shall also send the employee a blank Form DFS-F2-DWC-3. If the claims-handling entity carrier is denying wage loss benefits for temporary partial disability, the claims-handling entity carrier shall indicate in the claims-handling entity carrier section of the Form DFS-F2-DWC-3 that wage loss benefits are being denied, complete an Form DFS-F2-DWC-12, as adopted in Rule 69L-3.025, F.A.C., Notice of Denial, and send both forms to the employee, employer, legal counsel, and the Division within 14 days of the claims-handling entity’s carrier’s receipt of Form DFS-F2-DWC-3.

(3) Calculation of Temporary Partial Wage Loss Benefits. The first calendar week of eligibility for temporary partial wage loss benefits may be a partial week since eligibility begins on the date of claimant’s release to return to light duty work. All other weeks of eligibility shall be full calendar weeks. To determine the amount of benefits due for a partial week, divide the pre-injury average weekly wage by the number of days employed per week, multiply by the number of days from date of release to return to light duty work through the last working day of that calendar week, multiply by 85 % if the date of accident is before July 1, 1990 or by 80 % if the date of accident is July 1, 1990 or later, insert the resulting figure on Form DFS-F2-DWC-3 in the box labeled “ADJ.WW,” and complete the calculations shown on that form.

Specific Authority 440.591, 440.15(4)(c)(a), 440.185(4),(10), 440.41 FS. (1993), Law Implemented 440.15(4)(b), 440.185(4), (10), 440.20 FS. (1993), History—New 10-30-79, Amended 11-5-81, Formerly 38F-3.19, Amended 4-11-90, 1-30-91, 11-8-94, 11-11-96, Formerly 38F-3.019, 4L-3.019, Amended _____.

69L-3.0191 Temporary Disability Benefits (Dates of Accident ~~on or After~~ January 1, 1994 through September 30, 2003).

(1) Temporary disability benefits include temporary total and temporary partial disability benefits and are payable for a maximum of 104 weeks. An employee’s eligibility for temporary disability benefits ceases after the employee has received 104 weeks of temporary total disability benefits paid pursuant to Section ~~§~~ 440.15(2)(a), F.S., or after the employee has received 104 weeks of temporary partial disability benefits paid pursuant to Section ~~§~~ 440.15(4), F.S., or after the employee has received 104 weeks of any combination of these two benefits.

(2) An employee is eligible for temporary partial disability benefits if the employee has received a medical release to return to work, is unable to earn at least 80% of the employee’s pre-injury average weekly wage, has not reached maximum medical improvement, and has not received payment for 104 weeks of temporary total or temporary partial disability benefits or any combination of the aforementioned benefits. The Division does not require an employee to request temporary partial disability benefits by filing a form

promulgated by the Division. The claims-handling entity carrier shall not require the employee to demonstrate eligibility for temporary partial disability benefits by submitting documentation indicating the employee has looked for work.

(3) Within five (5) days of its knowledge that the employee has been released to return to work, unless the employee's eligibility for temporary partial disability benefits has expired, the claims-handling entity carrier shall mail to the employee an informational letter which explains the employee's eligibility for temporary partial disability benefits. The letter must advise the employee about the employee's obligation to report, at the claims-handling entity's carrier's request using Form DFS-F2-DWC-19, as adopted in Rule 69L-3.025, F.A.C., the employee's receipt of any and all of the following: salary, wages, unemployment compensation benefits, or Social Security benefits. The letter to the employee must contain at least the following information:

"Your doctor has said that you are able to return to work, but you have not reached maximum medical improvement from your injury (maximum medical improvement is the date after which a doctor says you will not get any better from your injury). You are eligible for temporary partial disability benefits if you cannot make at least 80% of the wages you were making at the time of your accident after the doctor says you can return to work. These benefits will continue until one of the following happens:

- (a) your doctor says you have reached maximum medical improvement from your injury; or
- (b) you have received 104 weeks of either temporary total or temporary partial disability benefits, or both combined; or
- (c) you are making 80% or more of the wages you were making at the time of your accident.

If you earn wages after the doctor says you can return to work, you must immediately contact this office and give us the name of your employer and the amount of money you are making. If you stop making at least 80% of the wages you were making at the time of your accident, you should also contact this office immediately. If you receive unemployment compensation benefits or Social Security benefits, you must immediately contact this office and tell us what kind of benefits you are getting and the amount of those benefits. If the form "Employee Earnings Report" (Form DFS-F2-DWC-19) was sent with this letter, you must fill it out, sign it and return it within 21 days after you received it. You may be asked to fill out one of these forms once a month. If you do not fill out, sign and return the form, your compensation benefits may be stopped until you return the form. If you turn down an offer of a job that you can do, your compensation benefits may be stopped. For more information about temporary partial disability benefits, please call the Employee Assistance and Ombudsman Office (EAO) of the Division of Workers' Compensation at any of its local offices listed in your

"Important Workers' Compensation Information For Florida Workers" "Employee's Rights" brochure, or at 1(800)342-1741."

(4) Calculations and payment of temporary partial disability benefits:

Temporary partial disability benefits shall be calculated using the 80%-80% formula pursuant to Section 440.15(4)(a), F.S., even when the employee's earnings are \$0. Temporary partial benefits calculated for any given week are subject to the maximum weekly compensation rate as defined by Section 440.12, F.S. The claims-handling entity shall investigate an employee's post-injury earnings, including contacting the current employer, to determine the amount of temporary partial disability benefits for which the employee is entitled, and to ensure the timely payment of those benefits. The carrier shall continue to investigate an employee's status so as to determine the amount of temporary partial disability benefits for which an employee is eligible, and to ensure the timely payment of those benefits.

(a) No post-injury earnings – If the claims-handling entity has determined there are no earnings, the first installment of temporary partial disability benefits is due no later than 14 days after the date the employee's medical release states that the employee may resume work. The claims-handling entity shall pay temporary partial disability benefits to the employee based on \$0 earnings. Subsequent payments of temporary partial disability benefits for any biweekly period is due no later than the last day of that biweekly period as long as the employee continues to be eligible.

(b) Post-injury earnings –

1. If re-employed and the employee or employer has notified the claims-handling entity within 5 business days after returning to work, the first installment is due within 7 days after the last date of the post-injury employer's first biweekly work week. Subsequent payments of temporary partial disability benefits for any biweekly period are due no later than 7 days after the end of the last date of that biweekly period as long as the employee continues to be employed and eligible.

2. Once re-employed, the first week of temporary partial disability may be paid as a partial week in order to coincide with the post-injury employer's work week. To determine the amount of benefits due for a partial week:

a. divide the pre-injury average weekly wage by the pre-injury number of days employed per week to calculate the daily rate;

b. multiply this daily rate by the number of days the employee worked during the post injury employer's work week;

c. multiply this amount by 80%;

d. subtract the partial week's earnings; and

e. multiply the difference by 80%, resulting in the temporary partial benefit due for this partial week.

(c) No confirmation of earnings – At any time the claims-handling entity is unable to confirm earnings information from the employee’s post injury employer or employers, the claims-handling entity shall calculate benefits based on the last wage information submitted or obtained and continue to pay temporary partial disability benefits.

1. If the last known earnings are \$0, payments of temporary partial disability benefits for any biweekly period are due no later than the last day of that biweekly period as long as the employee continues to be eligible.

2. If the last known earnings are greater than \$0, payments of temporary partial disability benefits for any biweekly period are due no later than seven (7) days after the last day of that biweekly period as if the employee continues to be employed and eligible. If the employee does not timely return Form DFS-F2-DWC-19, the claims-handling entity may then suspend payment of the employee’s temporary partial disability benefits until the claims-handling entity’s receipt of the form in accordance with Rule 69L-3.021, F.A.C.

~~(5)(a) The first installment of temporary partial disability benefits is due no later than 14 days after the date the employee’s medical release states that the employee may resume work. The carrier shall contact the employer for whom the employee worked at the time of the accident to ascertain if the employee has returned or will be returning to work for that employer.~~

~~(b) If the accident employer is holding open the employee’s pre injury job and the employee anticipates returning to that job after maximum medical improvement, the carrier shall pay temporary partial disability benefits to the employee as if the employee has \$0 earnings.~~

~~(c) If the employee has not and will not be returning to work for the accident employer, the carrier shall mail to the employee the informational letter and Form DWC-19, and attempt to contact the employee to ascertain if the employee has obtained other employment. The carrier shall begin to pay temporary partial disability benefits as if the employee has \$0 earnings, subject to receipt of the employee’s completed Form DWC-19 or other confirmation of actual earnings.~~

~~(d) At any time the carrier is unable to confirm reemployment with the employee or is unable to obtain earnings information from the employee’s present employer or employers, the carrier shall calculate benefits based on the last wage information submitted or obtained, and continue to pay temporary partial disability benefits, subject to the employee’s timely return of Form DWC-19. If the employee does not timely return Form DWC-19, the carrier may then suspend payment of the employee’s temporary partial disability benefits.~~

~~(6) The first installment of temporary partial disability benefits is due no later than 14 days after the date the employee’s medical release states that the employee may return to work. In order for the carrier to more readily make the~~

~~weekly wage comparison, the first week of temporary partial disability benefits may be paid as a partial week, so that remaining weeks can coincide with the employee’s actual post injury pay periods. To determine the amount of benefits due for a partial week: divide the pre injury average weekly wage by the number of days employed per week; multiply by the number of days from date of release to return to light duty work through the last working day of that calendar week; multiply by 80 % percent; subtract any weekly earnings; and multiply the remainder by 80 % percent.~~

~~(7) The payment period for temporary partial disability benefits is biweekly. Other than the first and last weeks of temporary partial disability benefits, benefits shall be calculated on the basis of full calendar weeks. The carrier’s payment of temporary partial disability benefits for any biweekly period is due no later than the last date of that biweekly period.~~

~~(8) Temporary partial disability benefits shall be calculated by the 80% 80% formula pursuant to Section 440.15(4)(a), F.S., even if the employee’s earnings are \$0. This benefit is subject to the maximum compensation rate as defined by Section 440.12, F.S.~~

~~(9) The carrier may require information from the employee concerning the employee’s receipt of wages, unemployment compensation benefits, or Social Security benefits by sending the employee a copy of Form DWC-19, pursuant to ss. 440.15(8),(10) and (11), F.S. carrier may not require the employee to submit a Form DWC-19 more often than once a month. If the employee does not mail the completed form to the carrier within 21 days after the employee’s receipt of Form DWC-19, the carrier may suspend temporary partial compensation benefits until it receives the form. If wage information obtained after a period for which temporary partial benefits have already been paid shows that the benefit amount paid for a week was more than that to which the employee was entitled, the carrier may obtain repayment through a credit against subsequent benefits. The carrier may also obtain repayment of any overpayment of temporary partial disability benefits caused by the employee’s receipt of unemployment benefits or social security benefits. If the employee is receiving Social Security benefits, the carrier shall request the employee to complete and return Form DWC-14, Request for Social Security Information. Until Form DWC-14 has been completed and returned to the carrier by the Social Security Administration, the carrier may not obtain repayment of those benefits. Repayment of all indemnity benefits is subject to the limitations of Section 440.15(13), F.S.~~

Specific Authority 440.15(2)(d),(4)(a), 440.185(4),(5), 440.20(3), 440.591, F.S. Law Implemented 440.15(2),(4), 440.185(4),(5), 440.20(3), F.S. History—New 11-8-94. Formerly 38F-3.0191, 4L-3.0191, Amended _____.

69L-3.01915 Temporary Partial Disability Benefits (Dates of Accident on or After October 1, 2003).

(1) Letter requirement – The claims-handling entity shall mail an informational letter to the employee and employer within 5 business days after the claims-handling entity’s knowledge of the employee’s release to restricted work. This letter shall explain the employee’s eligibility for temporary partial disability benefits and the obligation to report earnings. These earnings would include the receipt of any of the following: salary, wages, unemployment compensation benefits, or Social Security benefits. The letter to the employee must contain at least the following:

“Your doctor has released you to return to work, but because of your work-related accident, you have been given restrictions on the type of work you can now do. Because you have not reached maximum medical improvement (the date after which your doctor says your injury will probably not get better), you may continue receiving workers’ compensation benefits approximately every two weeks if you are not able to earn at least 80% of the weekly wages you were making before your injury.

These benefits, called Temporary Partial Disability benefits, will be paid until:

1. You reach maximum medical improvement or can return to work without restrictions;

2. You receive the maximum of 104 weeks allowed by law for either Temporary Total Disability benefits, Temporary Partial Disability benefits or Training and Education Temporary Total benefits, or 104 weeks for the combined benefits; or

3. You earn 80% or more of the weekly wages you were making at the time of your accident.

IMPORTANT: Temporary Partial Disability benefits may be stopped if:

(a) You do not notify this office within five (5) business days after you return to work;

(b) You are not working due to your own misconduct on the job;

(c) You refuse suitable employment offered to you; or

(d) You do not return, if requested, Form DFS-F2-DWC-19, “Employee Earnings Report”, as adopted in Rule 69L-3.025, F.A.C., to this claims office within 21 days after you receive it and report the receipt of any earnings, including Unemployment Compensation or Social Security benefits. You may be asked to complete, sign, and return this form once a month.

You are to notify this office immediately if you stop making at least 80% of your pre-injury weekly wages. However, if you leave your job without just cause as determined by a judge, your temporary partial disability benefits will be paid based on the amount of money you would have earned had you not left work.

For more information about temporary partial disability benefits, please call the Employee Assistance Ombudsman Office (EAO) with the Division of Workers’ Compensation at any of its local offices listed in your “Important Workers’ Compensation Information For Florida Workers’ brochure, or at 1(800)342-1741.”

(2) Calculations and payment of temporary partial disability benefits:

Temporary partial disability benefits shall be calculated using the 80%-80% formula pursuant to Section 440.15(4)(a), F.S., even when the employee’s earnings are \$0. Temporary partial benefits calculated for any given week are subject to the maximum weekly compensation rate as defined by Section 440.12, F.S. The claims-handling entity shall investigate an employee’s post-injury earnings, including contacting the current employer, to determine the amount of temporary partial disability benefits for which the employee is entitled, and to ensure the timely payment of those benefits.

(a) No post-injury earnings – If the claims-handling entity has determined there are no earnings, the first installment of temporary partial disability benefits is due no later than 14 days after the date the employee’s medical release states that the employee may resume work. The claims-handling entity shall pay temporary partial disability benefits to the employee based on \$0 earnings. Subsequent payments of temporary partial disability benefits for any biweekly period is due no later than the last day of that biweekly period as long as the employee continues to be eligible.

(b) Post-injury earnings –

1. If re-employed and the employee or employer has notified the claims-handling entity within 5 business days after returning to work, the first installment is due within 7 days after the last date of the post-injury employer’s first biweekly work week. Subsequent payments of temporary partial disability benefits for any biweekly period are due no later than 7 days after the end of the last date of that biweekly period as long as the employee continues to be employed and eligible.

2. Once re-employed, the first week of temporary partial disability may be paid as a partial week in order to coincide with the post-injury employer’s work week. To determine the amount of benefits due for a partial week:

a. Divide the pre-injury average weekly wage by the pre-injury number of days employed per week to calculate the daily rate;

b. Multiply this daily rate by the number of days the employee worked during the post injury employer’s work week;

c. Multiply this amount by 80%;

d. Subtract the partial week’s earnings; and

e. Multiply the difference by 80%, resulting in the temporary partial benefit due for this partial week.

(c) No confirmation of earnings – At any time the claims-handling entity is unable to confirm earnings information from the employee’s post injury employer or employers, the claims-handling entity shall calculate benefits based on the last wage information submitted or obtained and continue to pay temporary partial disability benefits.

1. If the last known earnings are \$0, payments of temporary partial disability benefits for any biweekly period are due no later than the last day of that biweekly period as long as the employee continues to be eligible.

2. If the last known earnings are greater than \$0, payments of temporary partial disability benefits for any biweekly period are due no later than seven (7) days after the last day of that biweekly period as if the employee continues to be employed and eligible. If the employee does not timely return Form DFS-F2-DWC-19, the claims-handling entity may then suspend payment of the employee’s temporary partial disability benefits until the claims-handling entity’s receipt of the form in accordance with Rule 69L-3.021, F.A.C.

Specific Authority 440.15(4), 440.591 FS. Law Implemented 440.15(4) FS. History–New _____.

69L-3.0192 Impairment Income Benefits (Dates of Accident on or After January 1, 1994 through September 30, 2003).

(1)(a) After the employee has reached maximum medical improvement, the claims-handling entity ~~carrier~~ shall make the initial payment of impairment income benefits no later than the 20th day after the claims-handling entity ~~carrier~~ has knowledge of the employee’s permanent impairment rating; however, this initial payment may be made before the 20th day. The initial payment of impairment income benefits must include payment for all full weeks of entitlement since the date of maximum medical improvement up to the time the initial payment is made. Impairment income benefits are payable whether the employee is working or not.

(b) Impairment income benefits may be paid in either weekly or biweekly installments. If the claims-handling entity ~~carrier~~ pays benefits biweekly, it shall issue payment for both weeks at the end of the first week. To establish and maintain a biweekly installment schedule, the claims-handling entity ~~carrier~~ shall issue the check for the first and second weeks of entitlement at the end of the first week, the third and fourth weeks of entitlement at the end of the third week, and so on.

(2)(a) Impairment income benefits are paid at a rate of 50% ~~percent~~ of the average weekly temporary total disability benefit, as defined in subsection 69L-3.002(1), F.A.C.

(b) If impairment income benefits are due and no previous temporary total disability benefits have been paid, the average weekly temporary total disability benefit shall be 66 2/3% ~~percent~~ of the employee’s average weekly wage, up to the maximum compensation rate for the accident year.

(3) Impairment income benefits may not be offset by social security or unemployment compensation benefits received by the employee.

Specific Authority 440.591 FS. Law Implemented 440.15(3) FS. History–New 11-9-94, Formerly 38F-3.0192, 4L-3.0192, Amended _____.

69L-3.01925 Impairment Income Benefits (Dates of Accident on or After October 1, 2003).

(1)(a) The initial payment of impairment income benefits shall include payment for all full weeks of entitlement since the date of maximum medical improvement up to the time the initial payment is made. After the employee has reached maximum medical improvement, the claims-handling entity shall make the initial payment of impairment income benefits no later than the 14th day after the claims-handling entity has knowledge of the employee’s permanent impairment rating.

(b) Impairment income benefits shall be paid in biweekly installments pursuant to Sections 440.15(3)(c) and (g), F.S. (2003)

(c) Impairment income benefits may not be offset by social security or unemployment compensation benefits received by the employee.

Specific Authority 440.15(3)(f), 440.591 FS. Law Implemented 440.15(3)(f) FS. History–New _____.

69L-3.0193 Supplemental Income Benefits (Dates of Accident on or After January 1, 1994 through September 30, 2003).

An employee may be eligible to receive Supplemental Income Benefits if an impairment rating of 20% ~~percent~~ or more has been assigned in accordance with ~~Section~~ § 440.15(3)(b), F.S. (1994).

(1) Definitions: The following words and terms when used in this rule shall have the following meanings:

(a) “Filing Period for Supplemental Income Benefits” means a period of 13 consecutive weeks (approximately 3 months) for which the employee reports any earnings and files a claim for supplemental income benefits. The filing period shall represent a “quarter” as set out in ~~Section~~ § 440.15(3)(b)7., F.S. (1994), except for the second filing period, which may consist of less than 13 weeks if the first payment period was prorated. The “initial filing period” is the filing period; which occurs during the last 13 weeks of impairment income benefits.

(b) “Initial Payment of Supplemental Income Benefits” means payment of supplemental income benefits for the first whole or partial calendar month immediately following the expiration of the impairment income benefit period. The initial payment of supplemental income benefits shall cover the time beginning with the day after the expiration of impairment income benefits and ending with the last date in the initial calendar month.

(c) "Payment Period for Supplemental Income Benefits" means the period of 3 consecutive calendar months immediately following the filing period. The first payment period may consist of less than 3 full months if the first monthly payment is prorated. The last payment period may consist of less than 3 full months if the employee has reached a maximum of 401 weeks of benefits. All other payment periods of supplemental income benefits shall be for 3 full calendar months.

(2)(a) No later than 15 weeks before the expiration of the impairment income benefit period, the claims-handling entity carrier shall send by certified mail to each employee eligible for supplemental income benefits an informational letter substantially in conformance with subsection paragraph (7) of this rule section and two copies of Form DFS-F2-DWC-40, as adopted in Rule 69L-3.025, F.A.C., Statement of Quarterly Earnings for Supplemental Benefits. The claims-handling entity carrier shall fill out the first two lines on one of the Forms DFS-F2-DWC-40 before sending it to the employee and indicate the beginning and ending dates of the initial filing period. The second Form DFS-F2-DWC-40 should be left blank.

(b) If the claims-handling entity carrier has knowledge that the employee is eligible for supplemental income benefits and fails to timely provide the employee with written notification and forms as required by this rule, the claims-handling entity carrier shall pay supplemental income benefits for all months for which the employee was not provided a form. Payment shall be computed as if the employee had \$0 earnings. The claims-handling entity carrier may later obtain repayment of any overpayment in accordance with paragraph (3)(d) of this rule and pursuant to Section s. 440.15(12)(13), F.S.

(c) For any filing period, the claims-handling entity carrier shall add all earnings reported by the employee and divide by the total number of weeks in that filing period to yield a "current average weekly wage." The current average weekly wage shall include any weeks for which \$0 earnings were reported.

(3) Payment of Supplemental Income Benefits:

(a) The claims-handling entity carrier shall issue the initial payment (the first whole or partial calendar month) of supplemental income benefits by the 7th day after the expiration of impairment income benefits. The claims-handling entity carrier shall make the first payment of supplemental income benefits with or without receipt of the employee's first Form DFS-F2-DWC-40. If the employee timely filed Form DFS-F2-DWC-40 with the claims-handling entity carrier, the second and third months in the initial payment period shall be paid on the first (1st) day of each month in that payment period.

(b) To calculate benefits due for a partial month of the initial payment period: divide the monthly supplemental income benefit payment amount, computed from the

"calculation" section on Form DFS-F2-DWC-40, by 4.3; divide that amount by 7 to yield the daily rate; multiply this daily rate by the number of days from the first day of eligibility for supplemental income benefits through the last day of the first calendar month in the payment period. Record this figure on Form DFS-F2-DWC-40 in the box labeled "Payment Amount for Initial Month."

(c) Except for the initial payment of supplemental income benefits, payments of additional monthly supplemental income benefits are contingent upon the employee having filed Form DFS-F2-DWC-40 with the claims-handling entity carrier. Subsequent monthly payments of supplemental income benefits for which the claims-handling entity carrier has received Form DFS-F2-DWC-40 shall be paid as follows:

1(1st) The first (~~1st~~) month in the next payment period shall be paid within 7 days of the claims-handling entity's carrier's receipt of Form DFS-F2-DWC-40;

2(2nd) the second (~~2nd~~) and third (~~3rd~~) months of this payment period shall be paid on the first (~~1st~~) day of each month in that payment period. If Form DFS-F2-DWC-40 was not timely returned by the employee to allow the claims-handling entity carrier to issue payment as per paragraphs (a) and (b) above, the claims-handling entity carrier shall within 7 days of receipt of Form DFS-F2-DWC-40 pay any and all months of supplemental income benefits due and owing as of the date the form was received, subject to the information submitted by the employee on the form.

(d) If upon receipt of Form DFS-F2-DWC-40 it is determined that an overpayment of supplemental income benefits has occurred, the claims-handling entity carrier may recalculate the amount of supplemental income benefits due for the remaining months in that payment period or any subsequent payment periods and obtain repayment, subject to the provisions of Section s. 440.15(12)(13), F.S. In no case shall the repayment amount be greater than 20% percent of the monthly supplemental income benefit payment amount.

(e) The monthly supplemental income benefit payable ~~shall may~~ not exceed the maximum weekly benefit amount as set out in Section s. 440.12, F.S., multiplied by 4.3.

(4) Filing Requirements:

(a) The employee will not be entitled to supplemental income benefits for any filing period for which Form DFS-F2-DWC-40 has not been filed with the claims-handling entity carrier by the seventh (~~7th~~) day after the expiration of the payment period associated with that filing period.

(b) Within 7 days after the claims-handling entity carrier has made the first payment of supplemental income benefits in any payment period, the claims-handling entity carrier shall send the completed Form DFS-F2-DWC-40 to the Division, the employee, the employer, and any other interested parties. If the claims-handling entity carrier denies payment of supplemental income benefits for any payment period, the claims-handling entity carrier must attach Form

~~DFS-F2-DWC-12, as adopted in Rule 69L-3.025, F.A.C., Notice of Denial, to Form DFS-F2-DWC-40 and provide the reason(s) for the denial.~~

(c) ~~The claims-handling entity carrier shall provide the employee with at least two (2) additional Forms DFS-F2-DWC-40 upon payment of the first month for any payment period. The claims-handling entity carrier shall indicate on one of the forms the beginning and ending dates of the employee's next filing period.~~

(5) The amount payable for supplemental income benefits shall be based on earnings information submitted by the employee for the previous filing period, and shall be paid monthly, with the exception of the initial payment which may be prorated. Once the employee has been determined to be eligible for supplemental income benefits for the filing period, the monthly benefit amounts shall be the same for each month of that filing period, unless it is the initial payment of supplemental income benefits for a partial month, or if an adjustment is being made for an overpayment, or if the final payment of supplemental income benefits expires at the 401 week maximum.

(6) Supplemental income benefits may not be offset by ~~S~~ocial ~~S~~ecurity or unemployment compensation benefits received by the employee.

(7) ~~The informational letter to the employee referred to in subsection paragraph (2) of this rule must contain at least the following information:~~

~~“Because your doctor found that you have a permanent impairment of 20% or more due to your work injury, you may be eligible to receive additional workers’ compensation benefits, known as SUPPLEMENTAL INCOME BENEFITS. However, you must also meet the requirements below in order to receive payment for these benefits:~~

- ~~1. You must be unable to earn at least 80% of what you earned before your injury for at least 90 days in a row, and~~
- ~~2. You must try in good faith to find a job that you are able to do and cooperate with any reemployment help offered by the employer, claims-handling entity carrier or the Division of Workers’ Compensation.~~

~~To get your first check for supplemental income benefits, you need to complete, sign and return the enclosed “Statement of Quarterly Earnings for Supplemental Benefits” Form form (DFS-F2-DWC-40) to this office. We recommend you return the form no later than 7 days after the end of the filing period, shown in section “A” of the enclosed form. This should enable you to keep your payments coming about every 4 to 6 weeks. Report any wages you earn during the last 13 weeks that you are paid impairment income benefits. Do not include the amount paid to you for your impairment income benefits. Follow the filing instructions on the back of the form to make sure there will not be a break in your payments. Your supplemental income benefits will be calculated by a formula~~

that is based on the wages you report for every filing period on each “Statement of Quarterly Earnings for Supplemental Income Benefits.”

If you already know that you will not be eligible for payment of supplemental income benefits when your impairment income benefits end, keep this letter and the other blank form for possible future use, because you may later become eligible for supplemental benefits.

If you do not work during the filing period, it is suggested that you keep records of all the places you look for work, the dates you look, the type of work you are seeking, and the names of the people you contact.

If you turn down the offer of a job that you are able to do, your supplemental income benefits will be calculated on the basis of what that job would have paid you, for as long as the job offer remained open to you. Also, if you refuse to accept training or education offered by the employer, this office, or the Division, your supplemental income benefits may be reduced by one-half. If you have any questions, contact your claims representative at this office, at the address and telephone number listed in this letter. You may also call the Division of Workers’ Compensation’s Employee Assistance and Ombudsman Office (EAO) at any of its branch offices listed in your employee brochure, or at its toll-free telephone number in Tallahassee at 1(800)342-1741.”

Specific Authority 440.15(3)(b)5., 440.591 FS. Law Implemented 440.15(3), 440.20(3), 440.491 FS. History—New 11-9-94, Formerly 38F-3.0193, 4L-3.0193, Amended _____.

69L-3.0194 Permanent Total and Permanent Total Supplemental Benefits For Dates of Accident Prior to October 1, 2003.

(1) Permanent total benefits paid for injuries occurring prior to July 1, 1955, shall not be made in excess of 700 weeks. Permanent total benefits paid for injuries occurring on or after July 1, 1955, shall continue during the continuance of the employee’s entitlement.

(a) When a permanently and totally disabled employee re-establishes an earning capacity and undertakes a trial period of re-employment pursuant to Section 440.15(1)(d), F.S., the Chapter 59A-28, F.A.C., such employee may be eligible for impairment income and supplemental benefits pursuant to Section 440.15(3), F.S.

~~(b) The carrier has the right to require, no more than once every calendar year, that a permanently and totally disabled employee undergo vocational evaluation or have testing conducted pursuant to Section 440.491, F.S. The Carrier shall no later than ten working days prior to such evaluation or testing confirm in writing to the employee the date, time and place of such evaluation or testing. In the confirmation letter, the carrier shall advise the employee of the procedures that the employee will be going through and the approximate time frame for completion of such evaluation or testing. Such notification shall be sent by the carrier to the employee’s~~

~~counsel if any, no later than seven days before the date of the evaluation or testing. This subsection applies only to permanent total cases in which the date of accident is on or after 10-1-94.~~

(2) Permanently and totally disabled employees are entitled to permanent total disability supplemental benefits when the injury occurred subsequent to June 30, 1955, and the liability of the employer has not been discharged pursuant to Section 440.20(12), F.S. Such benefits shall be equal to 5 ~~five~~ % of the employee's weekly compensation rate which was in effect on the date of the employee's injury, multiplied by the number of calendar years since the date of injury.

(a) When the date of the employee's injury and acceptance or adjudication of permanent total disability is within the same calendar year, supplemental benefits are payable January 1st of the next calendar year.

(b) When acceptance or adjudication is in a calendar year other than the year of injury, supplemental benefits are payable as of the date the employee was accepted or adjudicated permanently and totally disabled.

(3)(a) Permanent total supplemental benefits shall be paid by the Division, unless the claims-handling entity carrier made an election to pay such benefits, to an injured employee whose accident occurred subsequent to June 30, 1955, and before July 1, 1984. Permanent total supplemental benefits are not payable for any period prior to October 1, 1974.

(b) Permanent total supplemental benefits shall be paid by the claims-handling entity carrier for injury occurring on or after July 1, 1984. The claims-handling entity carrier is not required to pay permanent total supplemental benefits for any period prior to October 1, 1974.

(c) An injured employee entitled to or receiving permanent total supplemental benefits shall have such benefits increased by 5 ~~five~~ % each January 1st after the commencement of such entitlement. However when such permanent total supplemental benefits are combined with the compensation rate, the such combination of benefits shall not exceed the maximum compensation rate in effect for the year in which the combined benefits are being paid.

(d)1. The injured employee is entitled to full permanent supplemental and compensation benefits as of the such employee's 62nd birthday for dates of accident prior to July 1, 1990 ~~7-1-90~~. The employee's entitlement to permanent total supplemental benefits shall cease on the such employee's 62nd birthday if the such employee is eligible for social security benefits under 42 U.S.C. Sections ss. 402 and 423, whether or not the such employee has applied for such benefits when the employee's date of accident occurred on or after July 1, 1990 ~~7-1-90~~.

2. All permanent total benefits shall cease when the employee becomes an inmate of a public institution, unless the employee has dependents as defined in Chapter 440, F.S. Dependent benefits shall be determined for each dependent as though if the employee were deceased.

~~3. All permanent total benefits shall cease when the injured employee accepts a full settlement of benefits in exchange of all future liability of the employer.~~

3.4. When the injured employee receives a full or partial lump-sum advance of the such employee's permanent total disability compensation benefits, the employee's permanent total supplemental benefits shall be computed on the employee's weekly compensation rate as reduced by the such lump-sum advance.

4.5. Neither the claims-handling entity carrier, employer, or Division of Workers' Compensation shall pay any permanent total benefits for as long as the injured employee willfully fails or refuses to file a completed Form DFS-F2-DWC-19, Employee Earnings Report, or Form DFS-F2-DWC-14, Request for Social Security Disability Benefit Information, DWC-14, or Form DFS-F2-DWC-30, Authorization and Request for Unemployment Compensation Information, as adopted ~~incorporated by reference~~ in Rule Chapter 69L-3.025, F.A.C., within 21 days after the employee received the request.

(4) The social security offset of permanent total disability benefits shall be calculated as follows:

(a) Convert monthly social security benefit to weekly benefit by dividing the monthly amount by 4.3 (monthly amount divided by 4.3). Compensation rate (plus) + Principal Insurance Amount (PIA.) + five % permanent total supplemental benefits due at the time of permanent total acceptance or adjudication. When the injured employee is receiving social security dependent benefits, such dependent benefits shall be added to the Principal Insurance Amount for purposes of determining the offset.

(b) Add the Compensation Rate (CR) plus the Principal Insurance Amount (PIA) or the Maximum Family Benefits (MFB) if the employee has dependents plus 5% permanent total supplemental benefits due at the time of permanent total acceptance or adjudication. Subtract the greater of 80% of average weekly wage (AWW), or 80% of weekly average current earnings (ACE).

(c) Subtract the greater of 80% of average weekly wage (AWW), or 80% of weekly average current earnings (ACE). The resulting difference is the offset amount. Convert monthly social security benefit to weekly benefit by dividing the monthly amount by 4.3 (monthly amount divided by 4.3). The resulting difference is the offset amount.

(5)(a) Neither the claims-handling entity carrier nor the Division shall take the social security offset until after the Social Security Administration has removed its offset.

(b) Social security offset shall not be applied retroactively nor shall social security annual cost of living increases or initial lump-sum payments be included in any offset.

(c) The Division shall have ~~first~~ priority over the claims-handling entity in taking any available social security offset on dates of accident prior to July 1, 1984.

(d) No social security offset shall be taken ~~take~~ which is greater than the offset that would otherwise be taken by the Social Security Administration.

(e)1. Within 14 days after request by the Division, the claims-handling entity carrier shall file a completed Form DFS-F2-DWC-35, as adopted by reference in Rule 69L-3.025, F.A.C., Permanent Total Supplemental Worksheet, with the Division's Permanent Total Section ~~at its Tallahassee office~~.

2. Within 14 days after request by the Division, the claims-handling entity carrier shall file a completed Form DFS-F2-DWC-33, as adopted by reference in Rule 69L-3.025, F.A.C., Permanent Total Offset Worksheet, with the Division's Permanent Total Section ~~at its Tallahassee office~~.

Specific Authority 440.15(1)(f)2.a., 440.591, 440.15(2)(d) FS. Law Implemented 440.15(1) FS. History--New 8-29-94, Amended 5-14-95. Formerly 38F-24.027, 38F-3.0194, 4L-3.0194, Amended _____.

69L-3.01945 Permanent Total and Permanent Total Supplemental Benefits For Dates of Accident On or After October 1, 2003.

(1) Permanent total benefits paid for injuries occurring on or after October 1, 2003, shall cease at age 75. If it is determined that the injury prevented the employee from working sufficient quarters to be eligible for social security benefits under 42 U.S.C. Sections 402 or 423, benefits will continue to be paid in accordance with the requirements of Chapter 440, F.S. If the accident occurred on or after the employee reaches age 70, benefits shall be payable during the continuance of permanent total disability, not to exceed 5 years from the date of permanent total disability.

(2) Permanent total benefits paid for injuries occurring on or after October 1, 2003, shall continue during the continuance of the employee's entitlement.

(a) When a permanently and totally disabled employee re-establishes an earning capacity and undertakes a trial period of re-employment pursuant to Section 440.15(1)(d), F.S., the employee may be eligible for impairment income benefits pursuant to Section 440.15(3), F.S.

(3) Permanently and totally disabled employees are entitled to permanent total disability supplemental benefits, if the liability of the employer has not been discharged pursuant to Section 440.20(12), F.S. Such benefits shall be equal to 3% of the employee's weekly compensation rate which was in effect on the date of the employee's injury multiplied by the number of calendar years since the date of injury.

(a) When the date of the employee's injury and acceptance or adjudication of permanent total disability is within the same calendar year, supplemental benefits are payable January 1 of the next calendar year.

(b) When acceptance or adjudication is in a calendar year other than the year of injury, supplemental benefits are payable as of the date the employee was accepted or adjudicated permanently and totally disabled.

(4)(a) Permanent total supplemental benefits shall be paid by the claims-handling entity.

(b) An injured employee entitled to or receiving permanent total supplemental benefits shall have such benefits increased by 3% each January 1 after the commencement of such entitlement. However, when the permanent total supplemental benefits are combined with the compensation rate, the combination of benefits shall not exceed the maximum compensation rate in effect for the year in which the combined benefits are being paid.

(c) For injuries occurring on or after October 1, 2003, the employee's entitlement to specific benefits shall cease when any of the following occurs:

1. Permanent total supplemental benefits shall cease on the employees 62nd birthday, regardless of whether the employee has applied for or is eligible to apply for social security benefits under 42 U.S.C., Sections 402 or 423. If it is determined that the injury prohibited the employee from qualifying for social security benefits, supplemental benefits will continue to be paid as long as the employee remains eligible.

2. All permanent total benefits shall cease when the employee becomes an inmate of a public institution, unless the employee has dependents as defined in Chapter 440, F.S. Dependent benefits shall be determined for each dependent as though the employee were deceased.

3. When the injured employee receives a full or partial lump-sum advance of such employee's permanent total disability compensation benefits, the employee's permanent total supplemental benefits shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

4. Neither the claims-handling entity, employer, or Division of Workers' Compensation shall pay any permanent total benefits for as long as the injured employee willfully fails or refuses to file a completed Form DFS-F2-DWC-19, or Form DFS-F2-DWC-14, or Form DFS-F2-DWC-30, as adopted in Rule 69L-3.025, F.A.C., within 21 days after the employee receives the request.

(4) The social security offset of permanent total disability benefits shall be calculated as follows:

(a) Convert monthly social security benefit to weekly benefit by dividing the monthly amount by 4.3 (monthly amount divided by 4.3).

(b) Add the Compensation Rate (CR) + Principal Insurance Amount (PIA) or the Maximum Family Benefits (MFB) if the employee has dependents + 3% permanent total supplemental benefits due at the time of permanent total acceptance or adjudication.

(c) Subtract the greatest of 80% of average weekly wage (AWW), or 80% of weekly average current earnings (ACE). The resulting difference is the offset amount.

(5)(a) Neither the claims-handling entity nor the Division shall take the social security offset until after the Social Security Administration has removed its offset.

(b) The social security offset shall not be applied retroactively nor shall social security annual cost of living increases or initial lump-sum payments be included in any offset.

(c) No social security offset shall be taken which is greater than the offset that would otherwise be taken by the Social Security Administration.

(d)1. Within 14 days after request by the Division, the claims-handling entity shall file a completed Form DFS-F2-DWC-35, as adopted in Rule 69L-3.025, F.A.C., with the Division's Permanent Total Section.

2. Within 14 days after request by the Division, the claims-handling entity shall file a completed Form DFS-F2-DWC-33, as adopted in Rule 69L-3.025, F.A.C., with the Division's Permanent Total Section.

Specific Authority 440.15(1)(f)2.a., 440.591, 440.15(2)(d) FS. Law Implemented 440.15(1) FS. History—New _____.

69L-3.0195 Forms.

Specific Authority 440.13(11)(b), 440.591 FS. Law Implemented 440.13(11)(b), 440.15(1)(f)1.,(10) FS. History—New 10-2-94, Amended 6-4-97, Formerly 38F-24.029, 38F-3.0195, 4L-3.0195, Repealed _____.

69L-3.021 Additional Income Source Reports.

(1) Within 21 days after the employee receives a request from either the Division or the claims-handling entity carrier for either Form DFS-F2-DWC-14, Request for Social Security Disability Benefits Information, or Form DFS-F2-DWC-30, as adopted in Rule 69L-3.025, F.A.C., Authorization Request for Unemployment Compensation Information, the employee shall complete the form and return it to the party requesting the information. The employee shall renew the authorization each 12 months upon a request by the Division, employer or claims-handling entity carrier.

(2) Upon request of the Division, employer, or claims-handling entity carrier, any employee eligible for temporary total, temporary partial, permanent total disability or permanent total supplemental compensation shall complete, sign, and return Form DFS-F2-DWC-19, as adopted in Rule 69L-3.025, F.A.C., Employee Earnings Report, within 21 days after receiving it to report all earnings of any nature, including

all social security benefits. The Division, employer, or claims-handling entity carrier may require the employee to send Form DFS-F2-DWC-19 no more than once a month.

(3) If the employee ~~willfully fails or~~ refuses to report information requested in accordance with subsection (1) or (2) above within 21 days after receipt of the request, payments of workers' compensation disability benefits for temporary total, temporary partial, permanent total or permanent total supplemental compensation shall cease until such time as the employee furnishes the signed form.

(4) For dates of accident on or after October 1, 2003, upon the request of the claims-handling entity, any employee eligible for impairment income benefits shall complete, sign, and return Form DFS-F2-DWC-19 within 21 days after receiving it to report all earnings. The claims-handling entity may require the employee to send Form DFS-F2-DWC-19 no more than once a month. If the employee refuses to report earnings within 21 days after receipt of the request, payments of workers' compensation disability benefits for impairment income benefits shall cease until such time as the employee furnishes the signed form.

~~(5)(4)~~ The party requesting the employee's authorization for release of social security benefit information shall furnish the Form DFS-F2-DWC-14 form to the employee. The requesting party shall be responsible for submitting the Request for Social Security Disability Benefit Information to the Social Security Administration office nearest to the employee's address. The requesting party must send a copy of the completed Form DFS-F2-DWC-14 to the Division within 14 days of the request.

~~(6)(5)~~ If the claims-handling entity carrier changes the employee's compensation rate based on any offset, the claims-handling entity carrier shall send to the Division, along with the appropriate income source report, Form DFS-F2-DWC-4, as adopted in Rule 69L-3.025, F.A.C., indicating the change in accordance with the provisions of Rule 69L-3.0091, F.A.C.

~~(7)(6)~~ If the employee's benefits have been suspended due to the employee's ~~willful failure or~~ refusal to furnish a signed release, the claims-handling entity carrier shall send to the Division Form DFS-F2-DWC-4 indicating the effective date and reason code for suspension of the benefits in accordance with the provisions of Rule 69L-3.0091, F.A.C.

~~(7) When submitting Form DWC-14 to the Social Security Administration, or Form DWC-30 to the Division of Unemployment Compensation, the requestor may want to include with the form a self-addressed stamped return envelope or the requestor's return address printed on a peel-off adhesive label in order to expedite processing.~~

Specific Authority 440.591, 440.15(1)(f)2.a.,b.,(2)(d) FS. Law Implemented 440.15(1),(2),(4), 440.185, 440.20(3) FS. History—New 10-30-79, Amended 11-5-81, Formerly 38F-3.21, Amended 4-11-90, 1-30-91, 6-10-92, 11-8-94, Formerly 38F-3.021, 4L-3.021, Amended _____.

69L-3.0212 Monthly Risk Class/SIC Code Report.

Specific Authority 440.591 FS. Law Implemented 440.59 FS. History--New 11-8-94, Formerly 38F-3.0212, Repealed _____.

69L-3.0213 Aggregate Claims Administration Change Report.

(1) If the responsibility for handling claims files has changed due to a claims-handling entity carrier or servicing agent taking over the claims from another a claims-handling entity carrier or servicing agent, the new claims-handling entity carrier or servicing agent shall report this change ~~carrier or servicing agent may send Form DWC-49~~ to the Division. ~~They may send Form DFS-F2-DWC-49, as adopted in Rule 69L-3.025, F.A.C.,~~ to report an aggregate listing of claims affected by the change in administration rather than sending an individual Form DFS-F2-DWC-4, as adopted in Rule 69L-3.025, F.A.C., on each claims file in accordance with the provisions of Rule 69L-3.0091, F.A.C.

(2) If the claims-handling entity carrier chooses to send Form DFS-F2-DWC-49 in place of separate Forms DFS-F2-DWC-4 to report a claims administration change, the claims-handling entity carrier shall send Form DFS-F2-DWC-49 to the Division within 30 days ~~after~~ of the effective date ~~of~~ ~~in~~ the change ~~in the~~ of administration of claim files.

(3) If a claims-handling entity carrier chooses to send Form DFS-F2-DWC-49 ~~in place of separate Forms DWC-4~~ to report a claims administration change, the claims-handling entity carrier must use a separate Form DFS-F2-DWC-49 for each claims office location handling those ~~claims~~ files.

(4) Any attachment(s) used to report additional information ~~shall be~~ ~~must~~ in a format that contains all of the data fields identified on the ~~identical to~~ Form DFS-F2-DWC-49.

Specific Authority 440.591, FS. Law Implemented 440.59, FS. History--New 11-8-94, Formerly 38F-3.0213, 4L-3.0213, Amended _____.

69L-3.0214 Aggregate Defense Attorney Fee Report.

Specific Authority 440.345 FS. Law Implemented 440.345 FS. History--New 11-25-96, Formerly 38F-3.0214, Repealed _____.

(Substantial rewording of Rule 69L-3.025 follows. See Florida Administrative Code for present text.)

69L-3.025 Forms.

(1) The following forms are to be used with this rule chapter and are hereby incorporated by reference:

(a)	<u>Form DFS-F2-DWC-1</u>	<u>08/2004</u>	<u>First Report of Injury or Illness</u>
(b)	<u>Form IA-1</u>	<u>1-1-02</u>	<u>Workers' Compensation – First report of Injury or Illness – For use only by entities approved to transmit electronic First Reports of injury to the Division</u>
(c)	<u>Form DFS-F2-DWC-1a</u>	<u>08/2004</u>	<u>Wage Statement</u>
(d)	<u>Form DFS-F2-DWC-3</u>	<u>08/2004</u>	<u>Request for Wage Loss/Temporary Partial Benefits</u>
(e)	<u>Form DFS-F2-DWC-4</u>	<u>08/2004</u>	<u>Notice of Action/Change</u>
(f)	<u>Form DFS-F2-DWC-12</u>	<u>08/2004</u>	<u>Notice of Denial</u>
(g)	<u>Form DFS-F2-DWC-13</u>	<u>08/2004</u>	<u>Claim Cost Report</u>
(h)	<u>Form DFS-F2-DWC-14</u>	<u>08/2004</u>	<u>Request for Social Security Disability Benefit Information</u>
(i)	<u>Form DFS-F2-DWC-19</u>	<u>08/2004</u>	<u>Employee Earnings Report</u>
(j)	<u>Form DFS-F2-DWC-30</u>	<u>08/2004</u>	<u>Authorization and Request for Unemployment Compensation Information</u>
(k)	<u>Form DFS-F2-DWC-33</u>	<u>08/2004</u>	<u>Permanent Total Offset Worksheet</u>
(l)	<u>Form DFS-F2-DWC-35</u>	<u>08/2004</u>	<u>Permanent Total Supplemental Worksheet</u>
(m)	<u>Form DFS-F2-DWC-40</u>	<u>08/2004</u>	<u>Statement of Quarterly Earnings for Supplemental Income Benefits</u>
(n)	<u>Form DFS-F2-DWC-49</u>	<u>08/2004</u>	<u>Aggregate Claims Administration Change Report</u>
(o)	<u>Form DFS-F2-DWC-60</u>	<u>08/2004</u>	<u>Important Workers' Compensation Information For Florida's Workers</u>
(p)	<u>Form DFS-F2-DWC-61</u>	<u>08/2004</u>	<u>Informacion Importante De Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Trabajadores De La Florida</u>
(q)	<u>Form DFS-F2-DWC-65</u>	<u>08/2004</u>	<u>Important Workers' Compensation Information For Florida's Employers</u>
(r)	<u>Form DFS-F2-DWC-66</u>	<u>08/2004</u>	<u>Informacion Importante Del Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Empleadores De La Florida</u>

(2) The Division will not supply the forms promulgated under this chapter, but will make sample. Forms are available on the Division's web site: <http://www.fldfs.com/wc>.

(3) For a transitional period of 90 days from the effective date of this rule, an insurer or claims-handling entity may use forms identified and adopted in subsection 69L-3.025(1), F.A.C., or the corresponding form(s) in effect prior to the adoption of this rule. After the completion of the 90 day transitional period, only the forms adopted in this rule may be used.

Specific Authority 440.15, 440.185, 440.20, 440.345 FS. Law Implemented 440.14(3), 440.15(1),(4),(9),(10), 440.185, 440.185(4),(5),(10), 440.20(2),(3), 440.345, 440.35, 440.51(6),(9) FS. History—New 4-11-90; Amended 1-30-91, 11-8-94, 11-11-96, 11-25-96, Formerly 38F-3.025, 4L-3.025, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dan Sumner, Deputy Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services

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

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.:
 1S-2.015

RULE TITLE:
 Minimum Security Procedures for Voting Systems

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.015 published in the F.A.W., page 2488, Vol. 30, No. 25, on June 18, 2004, has been changed to reflect comments received from JAPC and the public during the hearing held on June 18, 2004. Thereafter a Notice of Correction was published on page 2670, Vol. 30, No. 27 of the F.A.W. The proposed rule text for Rule 1S-2.015, F.A.C., is as follows:

1S-2.015 Minimum Security Procedures for Voting Systems.

(1) PURPOSE Purpose.

(a) ~~To achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting, including write-in voting, and of counting, tabulating and recording votes by voting systems used in the State of Florida, pursuant to Section 101.015(3), F.S.~~

(b) ~~To establish minimum security standards for voting systems and requirements for filing and review of written security procedures, pursuant to Section 101.015(4), F.S.~~

(2) DEFINITIONS Definitions. The following words and phrases shall be construed as follows when used in this rule:

(a) A "Ballot" ~~when used in reference to means one or more of the following:~~

1. ~~"Paper ballot" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote. A device created for the purpose of advising an elector of the valid choices for voting. Ballots may be reproduced on paper, video screens, liquid crystal displays, or on other visual, audible, printed, or electronic media.~~

2. ~~"Electronic or electromechanical device" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment. Any medium used to record each vote cast which may include marksense forms, printed paper sheets, unprinted strips for write-in votes, electronic, optical, electromechanical, or magnetic storage devices.~~

3. ~~Any device which combines the features of paragraphs 1. and 2. above.~~

(b) A "Voted ballot" means a ballot as defined in ~~(2)(a)2. or (2)(a)3.~~ above, which has been cast by an elector.

(c) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of ~~mechanical,~~ electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

(d) ~~"Voting Device machine" means any apparatus by which votes are registered electronically mechanical voting machine or any electronic or electromechanical direct recording equipment (DRE) voting machine.~~

(e) ~~"Election Materials" means those materials provided to poll workers to properly conduct the election and shall include, but not be limited to: legally required affidavits and forms, provisional ballots, voter authority slips, precinct registers, and any electronic devices necessary to activate ballot styles in the voting system.~~

(3) SECURITY PROCEDURES Requirements for filing security procedures with the Division of Elections. ~~Each~~ ~~Not later than January 1, 1994,~~ each supervisor of elections shall place on file with the Division of Elections security procedures which meet the minimum standards set forth in this rule. Revisions After January 1, 1994, revisions to procedures on file with the Division of Elections shall be submitted at least 45 days prior to the commencement of early voting for ~~before~~ the first election in which they are to take effect and shall be accompanied by a statement describing which part of the procedures previously filed have been revised. Each supervisor of elections has the authority to make changes to the security procedures within 45 days prior to the commencement of early voting for ~~of~~ an election as a result of an emergency situation or other unforeseen circumstance. The supervisor shall document any changes to include the reasons why such changes were necessary. A copy of any changed document authorized by the supervisor shall be submitted to the Division of Elections within 5 days of the change.

(4) REVIEW OF SECURITY PROCEDURES ~~Review of Security Procedures.~~

(a) The Division of Elections shall conduct a review of the submitted security procedures to determine if they meet the minimum requirements set forth in this rule. The Division of Elections will notify the supervisor of elections as to the results of the review within ~~90 days of the date security procedures are received and within~~ 30 days of the date revisions to the security procedures are received in the office of the Division of Elections. If the Division is unable to complete its review within the time frames established in this rule, the procedures or revisions shall be temporarily approved until such time as the review is completed and the supervisor of elections will be notified accordingly. The notification of the results of the review will include an enumeration of specific provisions which were found to be incomplete or otherwise do not meet the provisions of this rule.

(b) Security procedures on file with the Division of Elections shall be reviewed by the Division of Elections in each odd numbered year, pursuant to Section 101.015(4)(b), F.S.

(5) STANDARDS FOR SECURITY PROCEDURES ~~Standards for Security Procedures.~~

(a) Security Procedures shall include copies of each referenced form, schedule, log or checklist or descriptions of the contents of forms, schedules, logs or checklists that vary from election to election.

(b) Election Schedule. The security procedures shall require the establishment of an election schedule at least 90 days prior to each regularly scheduled election and within 20 days of the date a special election is scheduled. The election schedule shall contain the following:

1. A list of all tasks necessary to conduct the election,
2. The legal deadline, where applicable, or tentative date each task is to be completed; and
3. The individual (position, title), group or organization responsible for completing each task.

(c) Ballot Preparation. The security procedures shall describe the steps necessary to insure that the ballot contains the proper races, candidates and issues for each ballot variation and that the ballots can be successfully tabulated. The ballot preparation procedures shall, at a minimum, contain the following:

1. Method and materials required to determine each type of ballot or ballot variations;
2. Assignment of unique marks, ~~punches~~ or other coding necessary for identifying ballot variations or precincts;
3. Verification that unique marks, ~~punches~~, or other coding necessary for tabulation are correct; ~~and~~
4. Description of system used to facilitate ballot preparation, if applicable; ~~and~~
5. Description of method to verify that all ballots and ballot variations are accurately prepared and printed.

(d) Preparation and Configuration of Tabulation System.

1. The procedures relating to the preparation and configuration of the tabulation system shall, at a minimum, include the following:

- a. Description of the ballot definition and verification process;
- b. Description of the steps necessary to program the system; and
- c. Description of the process to install the program and the procedures for verification of correctness.

2. The security procedures shall describe the test materials utilized and the voting system tests performed prior to the conduct of the public logic and accuracy test.

(e) Logic and Accuracy Test. The security procedures for use with electronic and electromechanical voting systems shall, at a minimum, describe the following aspects of logic and accuracy testing as required by Section 101.5612, F.S.:

1. Description of each test performed including test materials utilized.
2. Description of how the programs, ballots, and other test materials are sealed, secured and retained.

(f) Filing election parameters. ~~The security procedures shall include filing with Counties shall establish procedures to provide the Division of Elections a copy of the software and with parameters used within the voting system to define, for each election, the tabulation and reporting instructions for each election regardless of filings for previous elections. The filing shall, at a minimum, include the following: within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(1), F.S., or pre-election test conducted pursuant to s. 101.35, F.S. Counties using paper ballots shall file election parameters prior to the election.~~

~~1. Copy of the voting system software: For electronic and electromechanical systems, the election parameters shall be submitted in a format readable by the tabulation system and shall be accompanied by a copy of the tabulation program. If the voting system cannot produce a machine readable copy, election parameters may be submitted as printed listings or copies of the original coding sheets.~~

~~2. Copy of the administrative database used to define the election: For voting machines the election parameters shall be a copy of the instructions used to prepare the voting machines for each election.~~

~~3. Copy of all election-specific files generated and used by the system: For the tabulation of paper ballots by hand count, the election parameters shall be a written description of the tabulation plan for the election.~~

~~4. Documentation stating the release level of the precinct tabulation equipment and firmware; and~~

~~5. If the election definition is created by an individual who is not an employee of the supervisor of elections, then the parameters shall include an affidavit signed by the person who created the election definition. The affidavit shall be in substantially the following form:~~

~~**ELECTION PARAMETER AFFIDAVIT**~~

~~Under the penalties of false swearing, I do solemnly swear (or affirm) that the (name of election) election coding for _____ County was assembled according to specified procedures using (name of system and Florida certification number). Furthermore, included with the election materials is a duplicate copy of the administrative database used to define the election, a copy of the voting system software, a copy of all election-specific files generated and used by the system and a document stating the release level of the precinct tabulation equipment and firmware. Signature of the Person Coding the Election.~~

~~Sworn to and subscribed before me this _____ day of _____, Notary Signature~~

(g) Pre-election Steps for Voting ~~Systems~~ ~~Machines~~. The security procedures for use with ~~mechanical~~ or ~~electromechanical~~ voting ~~devices~~ ~~machines~~ shall, at a minimum, include the following:

1. Description of how the number of voting ~~devices~~ ~~machines~~ for each precinct is determined; ~~and~~

2. Description of each component of the public test, including any test materials utilized;

3. Description of the process to seal and secure the voting ~~devices machines~~. It shall also provide for a record to be kept on which the identification numbers, seal numbers and protective counter numbers for voting ~~devices machines~~ shall be noted; and

4. Description of the procedures for retaining the test results and any records of the proceedings.

(h) Ballot Distribution. Where paper ballots (as defined in ~~subparagraph (2)(a)1, subparagraphs (2)(a)2, and 3~~ of this rule) are used, the security procedures shall, at a minimum, include the following:

1. Description of how the number and variations of ballots required by each precinct is determined;

2. Description of the method for securing the ballots; and

3. Description of the process for distributing the ballots to precincts, to include an accounting of who distributed and who received the ballots, the date, and how they were checked.

~~(i) Distribution of Precinct Equipment. The security procedures shall describe the steps necessary for distributing voting system equipment to the precincts. Distribution of Voting Machines. Where voting machines are used, the security procedures shall describe the steps necessary for compliance with the requirements of Chapter 101, F.S., pertaining to voting machine distribution.~~

(j) Election Board Duties.

1. The security procedures ~~when paper~~ for use where ballots, including provisional ballots (as defined in ~~paragraph (2)(a)2, of this rule~~) are used shall, at a minimum, include the following Election Board duties:

a. Verification that the correct number of ballots were received, and that they are the proper ballots for that precinct;

b. Checking the operability or readiness of the voting ~~devices equipment~~;

c. Checking and sealing the ballot box;

d. Description of how spoiled ballots are handled;

e. Description of how write-in and provisional ballots are handled; and

f. Accounting for all ballots after the polls close.

2. The security procedures for use with voting ~~devices machines~~ shall, at a minimum, include the following Election Board duties:

a. Verification of the identification numbers, seal numbers, and protective counter numbers of precinct tabulation and/or voting devices ~~DRE voting machines~~;

b. Checking the operability or readiness of the voting ~~device equipment~~;

c. Verification that all counters except protective counters are set at zero on each voting ~~device machine~~;

d. Securing a printed record from each voting ~~devices system machine~~, if applicable;

e. Checking the correctness of the ballot;

f. Preparing voting ~~devices machines~~ for voting;

g. Verification that the correct number of voter authorization slips were received; signature identification slips

h. Checking and sealing the voter authorization slips container(s); signature identification slip

~~g.i.~~ Handling write-in ballots;

~~h.j.~~ Handling voting system machine malfunctions;

~~i.k.~~ Securing ~~Locking~~ voting machines at the close of the polls to prevent further voting;

~~j.l.~~ Accounting for all voter authorization slips ~~signature identification slips~~ received; and

~~k.m.~~ Recording and verifying the votes cast.

(k) Transport of Ballots and/or Election Materials. The security procedures shall describe the steps necessary to ensure a complete record of the chain of custody of for compliance with the requirements of Chapter 101, F.S., which pertain to the transportation of ballots and/or election materials and shall include:

1. A description of the method and equipment used to transport all ballots and/or election materials;

~~2.~~ A method of recording the Election Board's certification required by Section 101.5614(2)(a), F.S.;

~~2.3-~~ A method of recording the names of the individuals who transport the ballots and/or election materials from one site to another and the time they left the sending site; and

~~3.4-~~ A method of recording the time the individuals who transport the ballots and/or election materials arrived at the receiving site and the name of the individual at the receiving site who accepted the ballots and/or election materials.

(l) Receiving and Preparing the Ballots for Central and Regional Counting. ~~The~~ Where ~~ballots (as defined in paragraph (2)(a)2, of this rule) are used,~~ the security procedures shall describe the process of receiving and preparing voted ballots, election data and/or memory devices for counting to include, at a minimum, the following:

1. Verification that all of the ballot containers are properly secured and accounted for and that the seal numbers are correct;

2. Verification that the ballot container(s) for each precinct contain voted ballots including provisional ballots, unused ballots, spoiled ballots; and write-in ballots as shown to exist on the forms completed by each election board for that purpose;

3. Inspection of the paper ballots to identify those ~~which~~ that must be duplicated or upon which voter intent is unclear, thus requiring a determination by the Canvassing Board. A ~~voter~~ record shall be kept of which paper ballots are submitted to the Canvassing Board and the disposition of those paper ballots; and

4. Description of the process for duplicating and recording the voted paper ballots which are damaged or defective.

(m) Tabulation of Vote.

1. The security procedures for use with central and regional ~~processing counting~~ sites shall describe each step of a ballot tabulation to include, at a minimum, the following:

a. Counting and reconciliation of voted ~~paper precinct~~ ballots;

b. Processing, tabulation and ~~accumulation reconciliation~~ of voted ballots ~~and election data~~;

c. Processing and recording of all write-in ~~and provisional~~ ballots ~~votes~~;

~~d. Responses to machine checks for electronic or electromechanical voting systems;~~

~~d.e.~~ The process for handling unreadable ballots and returning any duplicates to tabulation;

~~e.f.~~ Backup and recovery of tabulated results and voting system programs for electronic or electromechanical voting systems; and

~~f.g.~~ Describe the ~~procedure process~~ for public viewing of the tabulation process and access to results.

2. ~~Security procedures shall describe the steps necessary for vote tabulation in the precincts. Where voting machines are used, the security procedures shall describe the steps necessary for compliance with the requirements of Chapter 101, F.S., which pertain to vote tabulation.~~

3. The security procedures for use in ~~the precincts all other~~ cases shall include procedures ~~that which~~ describe each step of ballot tabulation to include, at a minimum, the following:

a. Printing of precinct results and results from individual tabulating devices

b. Processing and recording of write-in votes;

c. Endorsing a copy of the precinct results by the Election Board;

d. Posting of precinct results;

e. Transport of precinct results to central or regional site;

f. Consolidation of precinct and ~~provisional absentee~~ ballot results; and

g. Describe the process for public viewing of the tabulation process and access to results.

4. The procedures for resolving discrepancies between the counted ballots and voted ballots and any other discrepancies found during the tabulation process shall be described.

(n) Electronic Access to Voting Systems. Security procedures ~~for electronic or electromechanical voting systems~~ shall identify all methods of electronic access to the vote tabulation system, including procedures for authorizing electronic access and specific functions, and specifying methods for detecting, controlling and reporting access to the vote tabulation system.

(o) Absentee Ballot Handling. The security procedures shall include procedures ~~that which~~ describe absentee ballot handling to include, at a minimum, the following:

1. Description of process for determining and verifying absentee ballot variations;

2. Description of process to ~~assure insure~~ voters are issued the proper absentee ballot;

3. Process for precluding voters from voting at the polls and casting an absentee ballot;

4. Process for opening valid absentee ballots in preparation for tabulation;

5. Process for recording the receipt of advance absentee ballots, regular absentee ballots, ~~State write-in ballots~~ and Federal write-in ballots and determining which ones should be counted if more than one ~~per voter~~ is received; and

6. Security measures for storing absentee ballots and related materials prior to and after an election.

(p) Ballot Security. The security procedures shall describe ballot accountability and security beginning with their receipt from a printer or manufacturer until such time as they are destroyed. The procedures for each location shall describe physical security, identify who ~~has is~~ authorized access, and identify who has the authority to permit access.

(q) Voting System Maintenance and Storage. The security procedures shall describe the maintenance and testing performed on ~~all components of the system electronic, electromechanical and mechanical devices~~ to ~~assure insure~~ that ~~it is they are~~ in proper working order and ~~is are~~ within manufacturer's operating specifications. Procedures shall also describe storage and nonoperational maintenance of all voting devices ~~equipment~~.

(6) ACCESS TO TABULATION PROGRAM SOURCE CODE ~~Access to Tabulation Program Source Code~~.

(a) No supervisor shall have access to any vote tabulation program source code to be used in an election unless prior approval has been obtained from the Division of Elections. Approval shall be based on the supervisor establishing security procedures which provide for maintaining a secured control copy of the certified release of the tabulation program source code; protecting source code from unauthorized access; and verification that the tabulation program source code used for each election is identical to the certified release.

(b) Any modification to tabulation program source code must be certified by the Division under the provisions of Rule ~~Chapter Chapters~~ 1S-5 ~~and 1S-7~~ F.A.C., before use in any election.

Specific Authority 120.535, 101.015 FS. Law Implemented 101.015(4) FS. History--New 5-27-85, Formerly 1C-7.15, 1C-7.015, Amended 8-28-93,

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE NOS.:	RULE TITLES:
3C-560.103	Definitions
3C-560.707	Records to be Maintained by Deferred Presentment Providers
3C-560.805	Gross Income Test
3C-560.902	Definitions
3C-560.903	Deferred Presentment Transactions
3C-560.904	Transaction Agreement Disclosures and Requirements
3C-560.908	Database Transaction Requirements

NOTICE OF CORRECTION

Notice is hereby given that the rules proposed in the Florida Administrative Weekly, Vol. 30, No. 22, May 28, 2004 for the Department of Banking and Finance have been transferred from Chapter 3 of the Department of Banking and Finance to Chapter 69, F.A.C., of the Department of Financial Services as follows:

1. Rule 3C-560.103, F.A.C., is transferred and amended as proposed Rule 69V-560.103, F.A.C.;
2. Rule 3C-560.707, F.A.C., is transferred and amended as proposed Rule 69V-560.707, F.A.C.;
3. Rule 3C-560.805, F.A.C., is transferred and amended as proposed Rule 69V-560.805, F.A.C.;
4. Rule 3C-560.902, F.A.C., is transferred and amended as proposed Rule 69V-560.902, F.A.C.;
5. Rule 3C-560.903, F.A.C., is transferred and amended as proposed Rule 69V-560.903, F.A.C.;
6. Rule 3C-560.904, F.A.C., is transferred and amended as proposed Rule 69V-560.904, F.A.C.; and
7. Rule 3C-560.908, F.A.C., is transferred and amended as proposed Rule 69V-560.908, F.A.C.

The rules will be adopted under Chapter 69 of the Department of Financial Services.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andrew T. Price, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines St., Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379, (850)410-9896

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NOS.:	RULE TITLES:
3D-40.205	Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation
3D-40.225	Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation

NOTICE OF CORRECTION

Notice is hereby given that the rules proposed in the Florida Administrative Weekly, Vol. 30, No. 34, August 20, 2004 for the Department of Banking and Finance have been transferred from Chapter 3 of the Department of Banking and Finance to Chapter 69, F.A.C., of the Department of Financial Services as follows:

1. Rule 3D-40.205, F.A.C., is transferred and amended as proposed Rule 69V-40.205, F.A.C.; and
2. Rule 3D-40.225, F.A.C., is transferred and amended as proposed Rule 69V-40.225, F.A.C. The rules will be adopted under Chapter 69 of the Department of Financial Services.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andrew T. Price, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines St., Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379, (850)410-9896

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE NO.:	RULE TITLE:
3E-301.005	Waivers

NOTICE OF CORRECTION

Notice is hereby given that the rule repeal proposed in the Florida Administrative Weekly, Vol. 30, No. 23, June 4, 2004 for the Department of Banking and Finance have been transferred from Chapter 3 of the Department of Banking and Finance to Chapter 69, F.A.C., of the Department of Financial Services as follows: Rule 3E-301.005, F.A.C., is transferred and amended as proposed Rule 69W-301.005, F.A.C. The rule will be adopted under Chapter 69, F.A.C., of the Department of Financial Services.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew T. Price, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines St., Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379, (850)410-9896

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

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

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. 33, (August 13, 2004), issue of the Florida Administrative Weekly:

33-601.223 Designation of Institutions for Youthful Offenders.

(1) No change.

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

(a) through (h) No change.

(i) Marion Correctional Institution (Designated & Dormitory)

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.602 Community Release Programs

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. 33, (August 13, 2004), issue of the Florida Administrative Weekly:

33-601.602 Community Release Programs.

(1) through (6) No change.

(7) Employment.

(a) Employment sought must be for at least 35 hours per week ~~and for no more than 60 hours per week.~~

(b) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.210 Use of Force

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. 33, (August 13, 2004), issue of the Florida Administrative Weekly:

33-602.210 Use of Force.

(1) through (9) No change.

(10) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report

documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization for Use of Force Report, shall be used for this purpose. The physician’s or clinical associate’s report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (20) of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed incident report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (8) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (6) above will be followed, ~~to include the completion of the Authorization for Use of Force Report, Form DC6-232.~~

(11) through (20) No change.

Specific Authority 944.09, FS. Law Implemented 20.315, 944.09, 944.35 FS. History–New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Communications

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60C-1	Regulated Communications Services
RULE NOS.:	RULE TITLES:
60C-1.001	General
60C-1.002	Definitions
60C-1.003	Communication Service Authorization (CSA)
60C-1.004	Agency Communication Service Authorization (CSA) Representative
60C-1.005	Centralized Telecommunications Billings
60C-1.006	Telecommunications Billing Information
60C-1.007	Telecommunications Service Proposals
60C-1.008	Florida State Telephone Directory

NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced Proposed Repeal, as noticed in Volume 30, No. 25, of the Florida Administrative Weekly on June 18, 2004, has been withdrawn. THE PERSON TO BE CONTACTED REGARDING THE WITHDRAWAL IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Communications

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60C-2	Communications Procurement of Customer-Owned Equipment
RULE NOS.:	RULE TITLES:
60C-2.001	General
60C-2.003	Standard Specifications for Communications Equipment
60C-2.004	Technical Evaluations of Communications Proposals
60C-2.005	Initiation or Revision of Standard Specification for Communications Equipment
60C-2.006	Single Agency Procurement Requirement
60C-2.007	Special or Unique Communications Requirements
60C-2.008	Communications Purchase or Lease Authorization (CPLA) Form (COM 9008)
60C-2.009	Delegation to the State University System

NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced Proposed Repeal, as noticed in Vol. 30, No. 25 of the Florida Administrative Weekly on June 18, 2004, has been withdrawn. THE PERSON TO BE CONTACTED REGARDING THE WITHDRAWAL IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Communications

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60C-6	Eligibility and Use of State Communications System
RULE NOS.:	RULE TITLES:
60C-6.001	General
60C-6.002	Definitions
60C-6.004	Cost Qualification Criteria for the State Communications System Agreements
60C-6.005	Review and Eligibility of Users
60C-6.006	Modifications, Additions, Reductions or Terminations to Existing SUNCOM or Telpak Service Initiated by a User
60C-6.007	Additions or Modifications to Existing SUNCOM Service Initiated by the Division
60C-6.008	Actions Initiated by the Division of Communications Resulting in Termination or Reduction of State Communications Services

NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced Proposed Repeal, as noticed in Vol. 30, No. 25 of the Florida Administrative Weekly on June 18, 2004, has been withdrawn. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED WITHDRAWAL IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida Mobile Home Relocation Corporation

RULE NO.:	RULE TITLE:
61M-1.002	Claims Procedure

NOTICE OF CORRECTION

The above-proposed rule was published in the August 27, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 35, on page 3480-82. Subsection (5) has a typographical error in the

reference date to be used when determining the amount due by a park owner to the Florida Mobile Home Relocation Corporation when a mobile home is abandoned: the correct date is April 26, 2004, not 2003. The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cari L. Roth, General Counsel, Bryant Miller & Olive, 201 South Monroe Street, Suite 500, Tallahassee, Florida 32301, (850)222-8611

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 NO.: 64B2-11.013
 RULE TITLE: Acupuncture Certification
 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. 24, June 2, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (4) of the rule shall now read as follows:

(4) Passage of the acupuncture certification examination shall not grant any applicant the right to practice chiropractic or acupuncture without passing the chiropractic licensure examination and obtaining a license as a chiropractic physician.

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.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-15.001
 RULE TITLE: Deceptive and Misleading Advertising Prohibited; Policy; Definition
 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. 24, June 2, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2)(1) of the rule shall now read as follows:

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

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.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO.: 64E-2
 RULE CHAPTER TITLE: Emergency Medical Services
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Chapter 64E-2, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 30, No. 31 on July 30, 2004. The changes reflect comments received from the department and affected parties.

The changes are as follows:

Replace the language filed in the Notice of Rulemaking with the following:

64E-2.010 Examinations.

(1) through (3) No change.

(4) Examination Requirements:

(a) Pursuant to paragraph 401.27(4)(d), F.S., the examination required for certification as an EMT is the National Registry Emergency Medical Technician (NREMT) EMT-Basic Examination, and the examination required for certification as a paramedic is the Florida Paramedic Certification Examination. Such examinations must be administered by the Department or the Department’s authorized representatives.

(b) The following grades are the minimum scores required to pass the below-listed examinations:

1. State developed EMT Examination, 70 percent or higher.

2. Florida Paramedic Certification Examination, 80 percent or higher.

3. NREMT paramedic (Assessment Examination), 70 percent or higher.

4. NREMT paramedic (Certification Examination), 70 percent or higher, and a passing score on each subpart.

5. NREMT EMT-Basic Examination, 70 percent or higher. Passing Grade—Individuals achieving the following grades on the state certification examination shall pass:

- (a) ~~EMT, 70 percent or higher.~~
- (b) ~~Paramedic, 80 percent or higher.~~
- (5) through (6) No change.

P.O. DO29262

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE NOS.:	RULE TITLES:
690-186.003	Title Insurance Rates for Junior Loan Title Insurance
690-186.005	Premium Schedule Applicable to "Truth In Lending" and Other Endorsements
690-186.016	Forms Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above as noticed in Vol. 30, No. 18, April 30, 2004, of the Florida Administrative Weekly, have been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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

RULE TITLES:	RULE NOS.:
State Distribution of Funds to Local Governments	67ER04-1
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: As a result of the damage caused by Hurricane

Charley to parts of central and southwest Florida, there exists a severe shortage of safe and sanitary housing. Section 420.9078(8), F.S., provides for the distribution of appropriated SHIP funds from the Local Government Housing Trust Fund among counties and eligible municipalities for which an emergency or natural disaster has been declared by executive order and which have an approved local housing assistance plan to implement a local housing assistance strategy consistent with Section 420.907-9079, F.S. A review of the local housing assistance plans reveals a lack of strategies sufficient to address the severity of damage caused by Hurricane Charley. Sections 420.9072-9079, F.S., provide the criteria to be used in order to amend a local housing assistance plan. Adherence to the adoption process would prevent timely distributions of needed funds. Emergency Rulemaking is necessary to address this situation and to provide the local governments the necessary funds to provide for shelter, necessary rehabilitation and repairs to damaged residences.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Florida Housing is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency's adopting of the rule. The process requires, at a minimum, 35 days to adopt a rule. This time period would prevent Florida Housing from releasing the funds to the local counties and eligible municipalities in an expeditious manner. In turn, the counties and local governments would be prevented from providing immediate relief to the victims of Hurricane Charley. Florida Housing believes that emergency rulemaking procedure is the most expeditious and effective way to notify the general public of the method by which it will provide funds to the counties and eligible municipalities. Florida Housing intends to initiate standard rulemaking for Chapter 67-37, F.A.C. by filing a notice of rule development no later than September 24, 2004.

SUMMARY OF THE RULE: The rule provides the strategy by which SHIP funds shall be distributed to Local Governments affected by Hurricane Charley utilizing a self-certification income verification form; establishes priorities of distribution; and extends the annual reporting deadline.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert Dearduff, SHIP Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL. 32301, (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULE IS:

67ER04-1 State Distribution of Funds to Local Governments.

(1) Florida Housing shall distribute up to \$5 million in disaster funds on a priority basis to areas designated as having the greatest damage from the storm: Charlotte, DeSoto, Hardee and the City of Punta Gorda. The funds will be allocated based

on the population of each local jurisdiction. Under this formula, the priority areas will be eligible to use a percentage of the \$5,000,000 equal to their percentage of population of the total population of the three county area.

(2) After disbursement of funds to the priority counties, if funds still remain from the \$5,000,000 in disaster relief funds, other local governments affected by the Hurricane may submit requests for funding.

(3) Local Governments may also use Unencumbered SHIP funds to carry out activities of disaster relief as described in the Local Housing Assistance Plan or in the disaster strategy adopted and incorporated in this rule.

(4) Local Governments affected by the Hurricane may also request forward allocation of remaining 2004-2005 SHIP funds, if any remain, by authority of Executive Order 04-182.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-182. Law Implemented 420.9072 FS. History--New 8-31-04.

67ER04-2 Income Verification.

(1) Recipients of SHIP funds under a local government's disaster strategy shall be required to verify income by executing a Hurricane Charley Certification of Income Form (08/04), hereby adopted and incorporated by reference or a local government's form that requires the same information. A copy is available on the Corporation's website at www.floridahousing.org or by contacting the Florida Housing SHIP Staff, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301 or call (850)488-4197.

(2) Pay check stubs and other forms of proof are required, if available. Other documentation required for SHIP income qualification may be waived if unavailable. The county or eligible municipality shall make every effort reasonable to insure that the recipients of SHIP funds are income qualified.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-182. Law Implemented 420.9072 FS. History--New 8-31-04.

67ER04-3 Strategies.

(1) SHIP funds for disaster relief shall be expended for activities listed in the local government's disaster strategy located in the local housing assistance plan.

(2) If the local government requests use of disaster funds or the use of unencumbered funds for disaster relief and does not have an adequate disaster strategy, the local government shall use the Disaster Strategy (08/04) hereby adopted and incorporated in this rule. A copy is available on Florida Housing's website as www.floridahousing.org or by contacting the SHIP Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL, 32301 or call (850)488-4197.

(3) Some activities, in addition to those included in Local Government's approved Local Housing Assistance Plans, on which funds may be expended include:

(a) Payment of insurance deductibles for rehabilitation of homes covered under homeowners insurance policies;

(b) Security deposit, rental assistance for the duration of Florida Office of the Governor Executive Order 04-182, for eligible recipients who have been displaced from their homes due to damage from the storm;

(c) Other activities as noted in the Disaster Strategy (08/04);

(d) Other activities as proposed by the counties and eligible municipalities and approved by Florida Housing;

(e) Other activities as outlined in the local government's disaster strategy found in the Local Housing Assistance Plan;

(4) Disbursement of funds must be used for eligible housing, meaning any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to meet the standards of Chapter 553, F.S., for homeownership or rental for eligible persons. SHIP funds may not be used for the purchase, rehabilitation or repair of mobile homes.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-182. Law Implemented 420.9072 FS. History--New 8-31-04.

67ER04-4 NOFA.

Counties and eligible municipalities receiving funds under this rule shall not be required to advertise the availability of funds. Local Governments, however, may require advertisement of available funds.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-182. Law Implemented 420.9072 FS. History--New 8-31-04.

67ER04-5 Annual Reports.

(1) Counties and eligible municipalities affected by Hurricane Charley shall not be required to meet their annual report deadline of September 15. The new date shall be agreed to between the county or eligible municipality and Florida Housing but will not be extended past November 30, 2004.

(2) Counties and eligible municipalities utilizing any SHIP funds for disaster recovery must provide a list of recipients including names, addresses, and zip codes by January 8, 2005.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-182. Law Implemented 420.9072 FS. History--New 8-31-04.

67ER04-6 Letter of Request.

(1) Funds shall be distributed by Florida Housing upon the acceptance and approval of a letter of request from local governments. Each letter of request shall bear the signature of an authorized official.

(2) Local governments shall submit requests via letter, email or phone in cases where the first two options are not available.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-182. Law Implemented 420.9072 FS. History--New 8-31-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 31, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Supplemental Provisions To Emergency Rule 69OER04-5, F.A.C. RULE NO.: 69OER04-9

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Office of Insurance Regulation hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare: This emergency rule is necessitated by the damage in Southwest, Central and Northeast, Florida, rendered by Hurricane Charley, which devastated the area on August 13, 2004. Preliminary estimates indicate damages in excess of 15 billion dollars. The hurricane damage has resulted in the closing of businesses and financial institutions, the suspension of mail service, the displacement of hundreds of thousands of persons from their homes, loss of personal belongings and corresponding temporary loss of employment. The catastrophic extent of the damage has virtually eliminated the benefit of these statutes which allow insureds specific periods of time to act or respond and has greatly increased the time necessary to make repairs to dwellings, all properties, vehicles, machinery, appliances, equipment, and vessels, in Brevard, Charlotte, DeSoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, and Volusia Counties. The storm victims are currently unable to timely act or respond and need additional time to obtain alternative coverage. Some insurers and premium finance companies may attempt to cancel or nonrenew homeowner's insurance policies on homes and insurance on other property, which have suffered partial losses. This action would leave the insured uncovered and virtually uninsurable until the dwellings, all properties, vehicles, machinery, appliances, equipment and vessels are repaired. This rule provides temporary emergency relief to the insured so that he is not left uninsured during the remainder of this crisis. Given the responsibility of the Office to protect the consumer, an emergency rule is necessary to immediately address the emergency.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Office of Insurance Regulation believes that adopting an emergency rule is the fairest method to establish procedures and provide guidance to the insurance community because the nature of the destruction caused by Hurricane Charley requires an immediate and massive response from insurers and other regulated entities. An Office bulletin addressed to all insurers would reach all insurers but would not be legally binding. Office responses to individual requests for information would

not make the information generally available. Also immediate protection is needed to prevent further devastation to innocent insureds.

SUMMARY OF THE RULE: Emergency Rule 69OER04-9, F.A.C., supplements and revises certain provisions contained in Emergency Rule 69OER04-5, F.A.C, which was effective August 24, 2004.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Lisa Miller, Deputy Commissioner, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0300, e-mail: millerl3@dfs.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

69OER04-9 Supplemental Provisions To Emergency Rule 69OER04-5, F.A.C.

(1) This emergency rule supplements and revises certain provisions contained in Emergency Rule 69OER04-5, F.A.C., which was effective August 24, 2004.

(2) Replacement of a policy in a subplan of the Florida Workers' Compensation Joint Underwriting Association with a policy in the tier structure of the association as created pursuant to Ch. 2004-266, Laws of Florida, or any other action required to implement Ch. 2004-266, is not subject to Emergency Rule 69OER04-5, F.A.C.

(3) Emergency Rule 69OER04-5, F.A.C., shall not apply to new policies issued on or after August 15, 2004. Subsection (11) of Emergency Rule 69OER04-5, F.A.C., is no longer in effect.

(4) Paragraph (2)(e) of Emergency Rule 69OER04-5, F.A.C., is superseded and the following shall apply: Reinsurance contracts are not subject to this rule, however, ceding insurers shall, within ten (10) days, notify the Office, in writing, regarding cancellation or nonrenewal of any reinsurance contract reinsuring property risks located in the designated counties. The notice should be directed to the Bureau of Property and Casualty Solvency.

Specific Authority 120.54(4), 624.308, 626.9611 FS. Law Implemented 624.444, 624.448, 624.488, 626.9541(1)(i), 626.9561, 627.453, 627.459, 627.470, 627.504, 627.509, 627.559, 627.566, 627.567, 627.608, 627.6085, 627.609, 627.610, 627.612, 627.646, 627.6645, 627.6675, 627.674, 627.728, 627.7281, 627.7282, 627.841, 627.848, 637.152, 637.315, 637.415, 638.125, 641.3901 FS. History--New 8-31-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 31, 2004

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Ocean Properties, Ltd., Target Stores, Inc., JC Penney Corp., and Dillard's Department Stores, Inc., filed August 23, 2004, in Docket No. 030623-EI, seeking a variance or waiver from subsection 25-6.103(3), Florida Administrative Code. The pertinent portion of the rule provides that a when a customer's electricity meter is found to be in error in excess of prescribed limits, the figure to be used for calculating the appropriate refund or charge "shall be that percentage of error as determined by the test."

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

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

For additional information, please contact Cochran Keating, Office of the General Counsel, at the above address or telephone (850)413-6193.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on August 24, 2004 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Fantasy Entertainment Inc. located in Clearwater. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

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 25, 2004 the Division of Hotels and Restaurants received a Petition for Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Fairfield Inn located in Orlando. The above referenced F.A.C. states each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to have a seating capacity of 34 without adding an additional bathroom.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Bureau of Elevator Safety hereby gives notice that it has issued an Order on the Petition for Variance filed by Ken Wezniak of Otis Elevator Company. The Bureau's Order, filed on August 10, 2004, granted the petition for variance. A variance was granted because the Department determined that a substantial hardship exists and because the purposes of A.S.M.E. A17.1 Rules 101.1a (2) & (3), 101.6, 212.1, and 212.9a. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: 20 W. Adams Street Renovation in Jacksonville (Petition VW 2004-040).

A copy of the Notice can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has issued an Order Granting Variance Request on August 24, 2004, in response to a petition filed on November 19, 2003, and amended May 26, 2004 by Matthew Meyer and Steve Powell of KONE, Inc. regarding Magnolia Legal Center, seeking a waiver from Rules 100.3a, 101.6 and 2.29.2 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Electrical Contractors' Licensing Board hereby gives notice that it has received a petition filed on September 1, 2004, from Roy Van Wyk, Esquire on behalf of NextiraOne, LLC, seeking a waiver or variance of subsections 61G6-5.004(2) and 61G6-5.006(2), F.A.C., with respect the requirement to provide the Board with a financial statement which indicates a minimum net worth of \$10,000 for an applicant for an unlimited electrical contractor and to the requirement to submit an application to qualify an additional business entity with the Department within 30 calendar days prior to a Board meeting. Petitioner seeks to submit an application for consideration at the Board's next meeting of September 16, 2004, which is less than 30 days from date of submission. Petitioner also seeks to substitute the submission of the financial statement with a written letter from its bonding company to demonstrate financial responsibility.

Comments on this petition should be filed with Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, within 14 days of publication of this notice. For a copy of the petition, please contact John Knap, Executive Director, Electrical Contractors' Licensing Board, at above address or telephone (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Acupuncture hereby gives notice that it has received a petition, filed on July 14, 2004, from Arthur Ki Ho Kim seeking a waiver of subsections 64B1-4.001(1), 64B1-4.0011(1) and Rule 64B1-4.0015, F.A.C., and Section 457.105(2), Florida Statutes, with respect to documentation and testing necessary for licensure by endorsement.

Comments on this petition should be filed with: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399.

For a copy of the petition, contact: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

The Board of Medicine hereby gives notice that it has received a petition filed on August 25, 2004, by Vinod Nagji Mungalpara, M.D., seeking an emergency waiver or variance from Rules 64B8-4.009 and 64B8-5.001, F.A.C., with regard to direct verification of medical school education and the time frames and number of attempts imposed for passage of the USMLE. Petitioner has waived the provision requiring action by the Board within 30 days.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on August 25, 2004, on behalf of Gade Rao, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the passing score for the FLEX.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on August 24, 2004, on behalf of Anita Mandal, 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.

The Board of Medicine hereby gives notice that it has received a petition filed on August 20, 2004, by Sivalingam Sivendran, M.D., seeking a variance 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.

The Board of Medicine hereby gives notice that it has received a petition filed on August 25, 2004, by Ashok Parmar, 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.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed on behalf of Rita S. Ratani, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 28, of the July 9, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004, and the Board considered the Committee's recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The Board's Order, filed on August 23, 2004, conditionally grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass Step II, Part A of the USMLE within one year in order for Petitioner to meet the purpose of the underlying statute.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Amended Petition for Variance/Waiver filed on behalf of Monica Kharbanda, M.D. The Board's Order, filed on March 24, 2004, denied the petition for variance/waiver of Rule 64B8-5.001, F.A.C. However, upon reconsideration of the Amended Petition, the Board voted to conditionally grant the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order, filed in this matter on August 23, 2004, requires Petitioner to retake and pass Step I of the USMLE within one year in order for Petitioner to meet the purpose of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753, finding that the Petitioner has not demonstrated a substantial hardship and failed to meet the purpose of the underlying statute.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Nilmarie Guzman, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 28, of the July 9, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004, and the Board considered the Committee's recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The Board's Order, filed on August 23, 2004, conditionally

grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass Step I of the USMLE within one year in order for Petitioner to meet the purpose of the underlying statute.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Nonette Asistores, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 26, of the June 25, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004, and the Board considered the Committee's recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The Board's Order, filed on August 23, 2004, conditionally grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires the Petitioner to retake Step I, Step II, Part A, or Step II, Part B, within one year in order for Petitioner to meet the purpose of the underlying statute.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Karen L. Jones, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 23, of the June 4, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004, and the Board considered the Committee's recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The Board's Order, filed on August 23, 2004, conditionally grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass Step I of the USMLE within one year in order for Petitioner to meet the purpose of the underlying statute.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed on behalf of Ketan A. Patel, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 28, of the July 9, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004, and the Board considered the Committee's

recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The Board's Order, filed on August 23, 2004, conditionally grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass Step I of the USMLE within one year in order for Petitioner to meet the purpose of the underlying statute.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed on behalf of Amos O. Dare, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 27, of the July 2, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004, and the Board considered the Committee's recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The Board's Order, filed on August 23, 2004, grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship and has met the purpose of the underlying statute.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Simin Zarandy, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 29, of the July 16, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004, and the Board considered the Committee's recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The Board's Order, filed on August 23, 2004, grants the petition for variance/waiver of Rule 64B8-4.009, F.A.C., finding that the Petitioner has demonstrated a substantial hardship and has met the purpose of the underlying statute.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed by Mya S. Kyaw, M.D. The Notice of Petition for Waiver and Variance was published in Vol. 30, No. 25, of the June 18, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004. The Board considered the Committee's recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The

Board's Order, filed on August 23, 2004, denies the petition for waiver and variance finding that Petitioner failed to demonstrate a hardship. Petitioner was given 14 days to withdraw the Petition.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed by Antonio B. Martins, M.D. The Notice of Petition for Waiver and Variance was published in Vol. 30, No. 29, of the July 16, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004. The Board considered the Committee's recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The Board's Order, filed on August 23, 2004, denies the petition but permits Petitioner 14 days to withdraw the Petition.

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed on behalf of Ghassan L. Wardeh, M.D. The Notice of Petition for Waiver and Variance was published in Vol. 30, No. 27, of the July 2, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 24, 2004. The Board considered the Committee's recommendation at its meeting held on August 7, 2004, in Tallahassee, Florida. The Board's Order, filed on August 23, 2004, allows the Petitioner 14 days to withdraw the Petition.

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

NOTICE IS HEREBY GIVEN that the Department of Health issued a Final Order on August 27, 2004, in response to a petition for a waiver filed by Rosemarie B. Gilbert, Ed.D. Petitioner sought a waiver of paragraph 64B21-500.005(3)(a), Florida Administrative Code, with respect to the background and training of the supervisor of a school psychology applicant.

The Department found the Petitioner demonstrated that strict application of the rules would violate principles of fairness and would create a substantial hardship in her particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), F.S., the Department GRANTED Petitioner's request for a waiver.

For a copy of the petition and final order, contact: Kaye Howerton, Executive Director, Department of Health, Office of School Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on August 26, 2004, Florida Housing Finance Corporation (“Florida Housing”) received a Petition for Variance from or Waiver of subsection 67-50.005(6), F.A.C., (“Petition”) from Sandhill Enterprises, Inc., d/b/a W.C. Dailey Construction for Highlands County Scattered Sites, Phase I. The Petition seeks relief from the requirement in Exhibit 21 Verification of Availability of Infrastructure for Roads, stating “Existing paved roads provide access to the proposed development or paved roads will be constructed as part of the proposed development.”

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone conference calls the week of September 13, 2004, to which all persons are invited.

COMMITTEE: Legislative Committee

DATE AND TIME: September 14, 2004, 10:00 a.m.

COMMITTEE: Bylaws Committee

DATE AND TIME: September 14, 2004, 3:00 p.m.

COMMITTEE: Women’s Hall of Fame Committee

DATE AND TIME: September 15, 2004, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions 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 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.

The Florida **Commission on the Status of Women** will hold telephone conference calls the week of September 20, 2004, to which all persons are invited.

COMMITTEE: NACW Convention

DATE AND TIME: September 21, 2004, 10:00 a.m.

COMMITTEE: LCSW Task Force Committee

DATE AND TIME: September 22, 2004, 2:30 p.m.

PLACE: Please call (850)414-3300 for instructions 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 advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Coordinating Council on Mosquito Control** announces a meeting to which all interested persons are invited.

DATE AND TIME: October 27, 2004, 10:00 a.m. – 2:00 p.m.

PLACE: DACS, Division of Plant Industry’s Conference Room, 1911 S. W. 34th Street, Gainesville, Florida 32614, (352)372-3505

Meeting Agenda: 10:00 a.m. – Welcome and Introductions, Loyless; 10:05 a.m. – Agenda Review and Approval, Blair; 10:10 a.m. – Approval of July 22, 2004 Minutes, Blair; 10:15 a.m. – Review and Approval of Updated Workplan, Blair; 10:25 a.m. – Report from the Subcommittee on Managed Marshes, Carlson; 10:35 a.m. – Report from the Subcommittee on Aerial Spraying, Latham; 10:50 a.m. – Report on Upcoming Legislative Issues, Dwinell/Page; 11:05 a.m. – Status Report on USEPA’s Mosquito Control Labeling, Dominy; 11:30 a.m. – Report on DACS Funding of Research Proposals, Loyless; 12:00 Noon – Working Lunch, (On Campus) 30 minutes; 12:30 – Update on Issues Related to West Nile Virus, Blackmore; 12:45 p.m. – Arbovirus Response Plan Subcommittee Report, Tabachnick; 1:45 p.m. – Public Comment, Blair; 1:55 p.m. – Next Steps and Agenda Items for Next Meeting, needed information, location, and date, Blair; 2:00 p.m. – Adjourn.

Contact Information: Jeff Blair, (850)644-6320, e-mail: jblair@mail.fsu.edu, website: <http://consensus.fsu.edu>.

DEPARTMENT OF EDUCATION

The public is invited to a meeting of the **State Board of Education**.

DATE AND TIME: September 21, 2004, 8:30 a.m.

PLACE: Daytona Beach Community College, Advanced Technology Center, 1770 Technology Blvd., Daytona Beach, Florida 32124

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of Meeting held August 17, 2004; Commissioner's Report, including updates on Just Read, Florida!; Final Report on Assistance Plus Plan; and Status Report on Strategic Imperatives. Updates will be provided on the State University System Activities; Community Colleges and Workforce Education Activities; K-12 Activities; and CEPRI Activities. Action items include Approval of 2005-2006 K-20 Fixed Capital Outlay Legislative Budget Request; Proposed New Rule 6A-1.094222, Standards for Mid-Year Promotion of Retained Third Graders; Guidelines and Criteria for Community College Educator Preparation Institutes and Alternative Certification; and Consideration of Requests for Waivers by Volusia County School Board. The Consent agenda includes: Santa Fe Community College – Request a Site Designation for a Special Purpose Center in Northwest Alachua County near the City of Alachua for a Corporate Training Center; and other matters pertaining to the State Board of Education.

A copy of the agenda may be obtained from the Commissioner of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to Committee meetings and the regular meeting of the **Florida Board of Governors**. The following Committees will meet: Performance and Accountability, Facilities and Finance. The regular meeting of the Board will follow.

DATE AND TIME: September 23, 2004, 8:00 a.m. – 6:00 p.m.

PLACE: Harry Sudakoff Conference Center, New College of Florida, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Accountability and Performance Measures for the Universities, including 10 percent performance funding; Classroom utilization in the universities; Update, State Board of Education Advisory Council on Educational Facilities; Consideration of the 2005-2006 State University System Fixed Capital Outlay Legislative Budget Request; Consideration of the State University System 2004-2005 Operating Budget; Discussion of University Fee Policies; Request for Implementation Authorization: Ph.D., Counseling, Counselor Education, FAU; Doctor, Public Health, FAMU; Ph.D.,

Biomedical Engineering, USF; Ph.D., Geography and Environmental Science, USF; Doctor, Physical Therapy, USF; Rule-making Procedures for the Universities; Presentation, Ed Moore, Independent Colleges and Universities of Florida; Discussion of Proposed Legislative Issues; Discussion of Admissions and Fall 2004 Enrollment; Approval of release of funds from the University Concurrence Trust Fund in accordance with the Campus Development Agreement between the University of Florida Board of Trustees, the City of Gainesville and Alachua County; Appointments, University Boards of Trustees; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Department of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The State of Florida, **Department of Education, Education Practices Commission** announces two (2) Teacher Hearing Panels, an Administrator Hearing Panel and an Annual Business Meeting; all persons are invited.

Teacher Hearing Panel

DATE AND TIME: September 16, 2004, 1:00 p.m.

Annual Business Meeting

DATE AND TIME: September 16, 2004, immediately following the Teacher Hearing Panel

Administrator Hearing Panel

DATE AND TIME: September 17, 2004, 8:30 a.m.

Teacher Hearing Panel

DATE AND TIME: September 17, 2004, immediately following the Administrator Hearing Panel

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least (5) calendar days prior to

the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 15, 2004, 10:00 a.m.

PLACE: Florida Atlantic University, Jupiter Campus, 5353 Parkside Drive, Jupiter, FL 33458

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda. Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

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

COMMITTEE: Art Selection Committee

DATE AND TIME: October 6, 2004, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, 777 Glades Road, Campus Operations Building #110, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-633 Christine E. Lynn College of Nursing.

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

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

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

Education Commissioner John Winn announces the fall adoption meetings of the State Instructional Materials Committees to which all interested persons are invited to attend.

MEETING: Speech, Drama, Journalism and Humanities

DATES AND TIME: September 22-23, 2004, 8:30 a.m.

PLACE: Tampa Marriott Waterside, 700 South Florida Ave., Tampa, Florida

MEETING: Social Studies, K-5

DATES AND TIME: October 5-6, 2004, 8:30 a.m.

PLACE: Renaissance Hotel, 4200 W. Columbus Drive, Tampa, Florida

MEETING: Social Studies, 6-8

DATES AND TIME: October 5-7, 2004, 8:30 a.m.

PLACE: Renaissance Hotel, 4200 W. Columbus Drive, Tampa, Florida

MEETING: Social Studies, 9-12 Committee A

DATES AND TIME: October 19-21, 2004, 8:30 a.m.

PLACE: Orlando Marriott, Lake Mary, 1501 International parkway, Lake Mary, Florida

MEETING: Social Studies, 9-12 Committee B

DATES AND TIME: October 19-21, 2004, 8:30 a.m.

PLACE: Orlando Marriott, Lake Mary, 1501 International parkway, Lake Mary, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committees will evaluate instructional materials that were submitted for consideration by publishers in June of 2004 and will recommend titles to be placed on the state-adopted list of instructional materials for use by public schools beginning with the 2005-2006 school year.

The meetings are open to the public. Copies of the agenda and committee rosters, and further information about the meetings may be obtained by contacting: Department of Education, Instructional Materials Office, (850)245-0425.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** hereby gives notice of a meeting of the Florida Keys Hurricane Evacuation Working Group.

DATE AND TIME: September 24, 2004, 9:00 a.m.

PLACE: Key Colony Beach City Hall, 600 West Ocean Drive, Key Colony Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues and considerations related to land use planning and hurricane evacuation in the Florida Keys.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Jim Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1774 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THIS MEETING IS: Jim Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1774

DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement, Medical Examiners Commission** announces a Medical Examiners Commission Meeting.

DATE AND TIME: Wednesday, September 29, 2004, 1:30 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Quad C, Third Floor, Classroom C, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five (5) working days prior to the meeting.

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

Additional information or a copy of the agenda may be obtained by contacting: Mrs. Victoria G. Marsey, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a change in the location of the rule development workshop that was noticed in the September 3, 2004 edition of the Florida Administrative Weekly.

DATE AND TIME: September 24, 2004, 9:00 a.m. – 3:00 p.m.

PLACE: NETPARK, 5701 East Hillsborough Avenue, Suite 2451, Tampa, Florida, instead of the Florida Department of Law Enforcement Tampa Bay Regional Operations Center, Tampa, Florida, as stated in the original notice published on September 3, 2004

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed new Rule 12A-19.036, F.A.C., addresses the identification of systems subject to tax as substitute communications systems and the identification and proration of taxable costs of operating substitute communications systems.

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

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces a public meeting to which all persons are invited:

DATE AND TIME: September 29, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Intermodal Transportation Advisory Council (SITAC) Meeting.

A copy of the agenda may be accessed through the web site at www.dot.state.fl.us/planning/sitac/ or be obtained by contacting: Vicki Matsumura, Florida Department of Transportation at 605 Suwannee Street, MS 28, Tallahassee, Florida 32399-0450, (850)414-4800.

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 72 hours before the meeting by contacting: Vicki Matsumura, (850)414-4800.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2004, 9:00 a.m. – 4:00 p.m. (EDT)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida (Persons who wish to participate by phone may call (850)921-2530 or Suncom 291-2530 on the date and at the time indicated for access to the meeting)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The discussion will include the October bonding estimates, legislative update, rules to be amended in the next rule cycle, mitigation, issues raised at the August 25, 2004 workshop, and other general business of the Council.

Anyone wishing a copy of the agenda should contact: Donna Sirmons, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodations to participate in the meeting is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Fresh Orange and Specialty Advisory Council to which all persons are invited.

DATE AND TIME: September 22, 2004, 9:30 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss the sales kit and accompanying materials prior to finalizing and printing, discuss the Department of Agriculture program, the co-marketing tangerine program, the Weekly Reader program, and discuss any other business which may appropriately come before the council.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2500.

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: Wednesday, September 29, 2004, 8:30 a.m.

PLACE: Orlando Police Department, Auditorium, 100 South Hughey Avenue, Orlando, 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 to the 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 an Informal Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend. DOCKET NO.: 040300-SU – Application for staff-assisted rate case in Volusia County by Tymber Creek Utilities, Inc.

DATE AND TIME: Thursday, October 7, 2004, 6:00 p.m.

PLACE: Ormond Beach Performing Arts Center, Studio, 399 N. U.S. No. 1, Ormond Beach, Florida 32174

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to comment regarding the request for rate increase by Tymber Creek Utilities, Inc. At the meeting, customers may be heard on any and all issues in the case relating to this request.

The meeting will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the meeting may be adjourned. All persons desiring to comment on the utility’s requested increase are urged to appear at the beginning of the meeting.

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 Customer Meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the Customer Meeting.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Aerospace Finance Corporation** (FAFC) announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: September 24, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Office of Florida Department of Transportation, Room 479, 605 Suwannee Street, Tallahassee, FL (To attend via telephone the number to call is: 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Aerospace Finance Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: September 23, 2004, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: September 23, 2004, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: September 23, 2004, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Quality Inn and Conference Center, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by contacting: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653, e-mail: ncfrpc@ncfrpc.org.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 2004, 12:00 Noon (working lunch)

PLACE: Orange Lake Resort & Country Club, 8505 W. Irlo Bronson Memorial Hwy., Kissimmee, FL 34747 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee Meeting

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: Orange Lake Resort & Country Club, 8505 W. Irlo Bronson Memorial Hwy., Kissimmee, FL 34747 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regional Summit Meeting of the East Central Florida Regional Planning Council. The Summit is an opportunity to revisit agency fundamentals by considering the following question: Over the next five years, what type of role should the RPC play in furthering local governments' efforts to successfully shape their future? The two-day event will provide a structured approach for answering this question by exploring the various roles a regional agency can play, and by discussing the type of role that best fits the region's near-term needs and the resources available for the RPC to perform it.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

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

PLACE: Highlands County Agriculture Extension Building, 4509 West George Boulevard, Sebring, Florida 33871

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, October 11, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, October 11, 2004, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management

DATE AND TIME: Thursday, October 14, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, October 25, 2004, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: September 17, 2004, 10:00 a.m.

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

GENERAL SUBJECT MATTER: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, September 23, 2004, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will

need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces meetings and public hearings to which all persons are invited:

DATE AND TIME: September 23, 2004, 2:00 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administration, Budget and Finance Committee – To discuss final current year amendment to budget.

DATE AND TIME: September 23, 2004, 2:15 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lands Committee meeting – to discuss District land acquisition matters.

DATE AND TIME: September 23, 2004, 3:15 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regulations Committee – proposed rule changes to Chapter 40A-2, Florida Administrative Code

DATE AND TIME: September 23, 2004, 3:45 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of Governing Board – to consider District business.

DATE AND TIME: September 23, 2004, 4:00 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regulatory Public Hearing – to consider regulatory matters.

DATE AND TIME: September 23, 2004, 4:15 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Public Hearing – to discuss land acquisition matters.

DATE AND TIME: September 23, 2004, 5:05 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Public Hearing – to consider adoption of FY 2004-2005 Millage Rate and Budget.

PLACE: Jackson County (County Commission Chambers), 2864 Madison Street, Marianna, Florida

A copy of these agendas can be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

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

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **St. Johns River Water Management District** announces a Northern Region Recreation Advisory Council Meeting to which all persons are invited. The meeting is scheduled for :

MEETING: Northern Region Recreation Advisory Council
DATE AND TIME: Tuesday, September 21, 2004, 9:30 a.m. – 12:00 Noon

TOUR: Management Review Team Tour Deep Creek Conservation Area & Deep Creek /Yarborough Parcel – 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, Room 163, 4049 Reid Street, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Northern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

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

DATE AND TIME: Wednesday, September 29, 2004, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting will be held to disseminate information on the “Edge-of-Farm” treatment systems recently constructed to reduce phosphorus loads on three dairies in the Lake Okeechobee watershed. A brief overview of the designs will be presented prior to a discussion of system performance to date.

PLACE: The South Florida Water Management District, Okeechobee Service Center, 205 N. Parrott Avenue, Suite 201, Okeechobee, Florida 34972

A copy of the agenda may be obtained by writing: South Florida Water Management District, Okeechobee Service Center, 205 N. Parrott Ave., Suite 201, Okeechobee, FL 34972, (863)462-5260 or 1(800)250-4200, Ext. 3006.

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: Jim Laing, Lake Okeechobee Division, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4430, West Palm Beach, FL 33406, (561)682-6667 or 1(800)432-2045, Ext. 6667.

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 21, 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.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, September 20, 2004, 9:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

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

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

DEPARTMENT OF ELDER AFFAIRS

The State of Florida, **Long Term Care Ombudsman** program announces the following scheduled conference calls to which interested persons are invited to participate. The dates and times for these calls are as follows:

MEETING: The Executive Committee

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

PLACE: (850)921-6433, Suncom 291-6433

DATE AND TIME: Thursday, October 14, 2004, 9:00 a.m. – 10:00 a.m.

PLACE: (850)921-6433, Suncom 291-6433

MEETING: The Policy & Procedure Committee

DATE AND TIME: Tuesday, October 12, 2004, 9:00 a.m. – 10:00 a.m.

PLACE: (850)921-6455, Suncom 291-6455

MEETING: The Ways & Means Committee

DATE AND TIME: Tuesday, October 12, 2004, 9:00 a.m. – 10:00 a.m.

PLACE: (850)921-6599, Suncom 291-6599

MEETING: The Legislative Committee

No calls have been scheduled.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues regarding the Long Term Care Ombudsman Program.

For additional information or further clarification, please call: Office of the State Long Term Care Ombudsman Program, (850)414-2323.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a teleconference meeting of the Infrastructure Development and Privacy/Data Security Work Groups of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Friday, September 17, 2004, 1:00 p.m.

PLACE: Anyone interested in participating may telephone (850)921-6623 or 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.

The **Agency for Health Care Administration** announces a teleconference meeting of the Medical Work Group of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Tuesday, September 21, 2004, 11:00 a.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.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 23, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: United Healthcare, 495 North Keller Road, Suite 200, Maitland, Florida 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation, Board of Directors Meeting

A copy of the agenda may be obtained by contacting: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308, e-mail: COLVINL@fdhc.state.fl.us.

To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

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)922-0791.

The **Agency for Health Care Administration** announces a teleconference meeting of the Business and Legislative Planning Work Group of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Thursday, September 23, 2004, 2:00 p.m.

PLACE: Anyone interested in participating may telephone (850)922-2904, Suncom 292-2904

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.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Wednesday, September 15, 2004, 3:00 p.m. – 5:00 p.m.

PLACE: To access the "Meet-Me" number call (850)487-8540, SunCom 277-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organization and By-Laws Committee of the Florida Patient Safety Corporation, as authorized by Chapter 2004-297, Laws of Florida.

For additional information contact: Linda Colvin, Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308, (850)922-0791, e-mail: COLVINL@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Monday, September 20, 2004, 6:00 p.m. – 8:00 p.m.

PLACE: To access the "Meet-Me" number call (850)487-8540, SunCom 277-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nominating Committee for Board of Directors Officers of the Florida Patient Safety Corporation, as authorized by Chapter 2004-297, Laws of Florida.

For additional information contact: Linda Colvin, Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308, (850)922-0791, e-mail: COLVINL@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a meeting of the Panel on Excellence in Long-Term Care to which all interested parties are invited.

DATE AND TIME: Monday, September 27, 2004, 10:00 a.m.

PLACE: Hurston Building, South Tower, Room C, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Panel on Excellence in Long-Term Care. The purpose of this meeting is to vote on applications to be recommended to the Governor for the Gold Seal award. Other matters before the Panel will also be discussed.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Richard Kelly, (850)488-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Richard Kelly, Agency for Health Care Administration, Bldg. 3, Room 1204, 2727 Mahan Drive, Tallahassee, FL 32308.

DEPARTMENT OF MANAGEMENT SERVICES

Notice is hereby given that the **State Technology Office**, Digital Divide Council will hold a one-day meeting to which all persons are invited.

DATE AND TIME: Monday, September 27, 2004, 1:30 p.m. – 3:00 p.m.

PLACE: Room 117, Knott Building, 400 South Monroe Street, Tallahassee, Florida 32399 (Conference call capability will be available. The dial up number is (850)410-0968, Suncom 210-0968)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary purpose of the meeting will be to address any changes in the Digital Divide Council members and chair and hear a briefing on a survey of agencies on Florida's digital divide data.

Any additional information as to this meeting will be provided on the Digital Divide website: <http://www.digitaldividecouncil.com> or contact: Meg Brown, State Technology Office, Building 4030 Esplanade Way, Suite 280 G, Tallahassee, Florida 32399, (850)488-1849 or (850)410-4777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Council at least 48 hours before the meeting by contacting Meg Brown at the above stated number.

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: September 20-21, 2004, 8:30 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based. Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, September 30, 2004, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032 (The meet-me telephone number is (850)414-1710 or Suncom 944-1710)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or 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 based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Barber's Board** to which all persons are invited to participate.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Barbers' Board, 1940 North Monroe Street, Suite #60, 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, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record 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 Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech 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 **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

DATE AND TIME: September 16, 2004, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (portions closed to the public)

DATE AND TIME: September 16, 2004, 10:00 a.m. (CST) or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

DATE AND TIME: September 17, 2004, 9:00 a.m. (CST) or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

PLACE: Crowne Plaza Pensacola Grand Hotel, 200 East Gregory Street, Pensacola, FL 32501, (850)433-3336

The Board will conduct a general business meeting and also consider a petition filed on April 27, 2004, from Roy Van Wyk, Hopping Green & Sams, P. A., on behalf of NextiraOne, LLC, seeking an emergency waiver or variance from paragraph 61G6-5.006(2)(d), F.A.C., Certification of Additional New Business Entity or Transfers and subsection 61G6-5.004(2), F.A.C., Requirements for Business Organizations.

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based. For further information, contact the Florida Electrical Contractors' Licensing Board at 1940 North Monroe Street, Tallahassee, Florida 32399-0771. Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence at the Electrical Contractors' Licensing Board at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD)

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 2004, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference, To connect, dial (850)414-1709, Suncom 994-1709

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (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 48 hours before the meeting by contacting the board office at (850)487-8304. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need

to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Professional Surveyors and Mappers** announces a Probation Review Committee, Continuing Education Committee, Application Review Committee, Minimum Technical Standards Rules Workshop, and a General Business Meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIMES: October 14, 2004, 8:30 a.m., Continuing Education Committee meeting followed by a Application Review Committee meeting, followed by a Minimum Technical Standards Rules Workshop followed by a General Business Meeting, if time allows; October 15, 2004, 8:00 a.m., Probation Review Committee meeting followed by a General Business meeting

PLACE: Pink Shell Beach Resort, 275 Estero Blvd., Ft. Myers Beach, Florida 33931

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756, (850)487-1395.

Persons decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Monday, October 11, 2004.

The **Board of Accountancy** announces the following public meetings to which all persons are invited:

DATES AND TIMES: Thursday, October 7, 2004, 9:00 a.m. – Probable Cause Panel; Thursday, October 7, 2004, 2:00 p.m. or as soon thereafter as possible – Budget Task Force Meeting; Friday, October 8, 2004, 9:00 a.m. – Board Meeting

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. The Budget

Task Force will meet to discuss the budget. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting. A copy of any probable cause materials which are open to the public and/or the Board agenda may be obtained by writing to John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: John W. Johnson, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice**, Juvenile Justice and Delinquency Prevention State Advisory Group announces a conference call meeting.

DATE AND TIME: September 20, 2004, 2:00 p.m. – 3:00 p.m.

PLACE: Call in number (850)414-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the State Advisory Group.

A copy of the agenda may be obtained by calling: Ana Valdes, Office of Prevention and Victim Services, (850)410-2577.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Department of Juvenile Justice, Office of Prevention and Victim Services, (850)488-3302, no later than (7) days prior to the meeting at which such special accommodation is required.

DEPARTMENT OF HEALTH

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, October 1-2, 2004, 8:00 a.m.

PLACE: Meet me Number: Omni Colonnade, 180 Aragon Avenue, Coral Gables, FL 33134, (305)441-2600

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine at (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

NOTICE OF CHANGE – The **Department of Health**, the Board of Physical Therapy Practice announces a conference call to which all persons are invited.

DATE AND TIME: November 16, 2004, 8:30 a.m. or soon thereafter

PLACE: (850)488-0979, Suncom 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based

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

DATE AND TIME: September 23, 2004 11:00 a.m. – 11:30 a.m. (EST)

PLACE: 4025 Esplanade Way, Rm. 130L, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Preventive Health & Health Services Block Grant.

For Information: Toll-free 1(877)651-3473, Local (850)413-9245, SunCom 243-9245

NAVIGATION DISTRICTS

The Board of Commissioners of the Florida **Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, September 25, 2004, 8:30 a.m.

PLACE: The Boca Raton Resort and Club, 501 East Camino Real, Boca Raton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Finance and Budget and Land Acquisition and Management Committees will meet.

Please contact the District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Affordable Housing Study Commission** announces its Annual Stakeholder Meeting, as well as a public forum of The Governor's Developmental Disabilities Blue Ribbon Task Force to which the public is invited.

DATE AND TIME: September 21, 2004, 5:30 p.m. – 7:00 p.m.

PLACE: Tampa Waterside Marriott, 700 South Florida Avenue, Tampa, FL 33602, (813)221-4900

GENERAL SUBJECT MATTER TO BE CONSIDERED: To seek public input for the Affordable Housing Study Commission, and the Governor's Developmental Disabilities Blue Ribbon Task force.

Affordable Housing Study Commission – During 2004-2005, the Commission will examine the issues of "Preservation of Affordable Housing" and "Predatory Lending." The Commission will use this meeting to seek public input on these topics before beginning its discussions for the upcoming year.

Governor's Developmental Disabilities Blue Ribbon Task Force – The mission of this task force is to propose strategies to state policy makers designed to expand and improve competitive, integrated employment, transition services, and community living opportunities for persons with developmental disabilities. This meeting will be a public forum to discuss housing and community issues for disabled persons.

Written comments can be submitted on online at: <http://www.dcf.state.fl.us/apd/blue/email/index.shtml>.

Questions regarding this task force can be directed to Ed Rousseau, (850)414-7787.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney, 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 use the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Friday, September 24, 2004, 10:30 a.m., Eastern Time

PLACE: Formal Conference Room, Suite 5000, 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 #2004-02 for Printing, Reproduction, and/or Copying Services. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces the final public hearing regarding proposed manatee protection rules for the Tampa Bay area:

DATES AND TIME: Wednesday through Friday, September 22-24, 2004, 8:30 a.m.

PLACE: Hilton St. Petersburg, 333 First Street South, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final public hearing on proposed manatee protection rules for the Tampa Bay area. This hearing will be a part of the regular 3-day meeting held by the Commission. The Commission is expected to make a final decision on the rules at the meeting. The agenda for the full 3-day meeting can be viewed on-line at: <http://myfwc.com/commission/2004/September/index.htm>

For further information, contact: Scott Calleson at 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

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 five calendar days before the meeting by contacting Cindy Hoffman, the Commission's ADA Coordinator, (850)488-6411. Hearing- or speech-impaired persons can arrange assistance by calling (850)488-9542.

DEPARTMENT OF FINANCIAL SERVICES

The **Office of Financial Regulation** announces a public hearing to which all persons are invited:

DATES AND TIME: September 21, 2004, 9:00 a.m., during a regular meeting of the Financial Services Commission. The corresponding meeting of the Cabinet Aides will take place on September 15, 2004, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Amendments to Rules 69V-40.205 and 69V-40.225, F.A.C. Please note that these rules are the former 3D-40.205 and 3D-40.225, F.A.C. but have now been transferred to 69V-40.205 and 69V-40.225. Notice of the proposed action was published in Vol. 30, No. 34, August 20, 2004 issue of the Florida Administrative Weekly.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting: Andy Price, (850)410-9896.

The **Department of Financial Services, Office of Insurance Regulation** announces a public hearing to which all persons are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to discuss an Interstate Insurance Product Regulation Compact proposed by the National Association of Insurance Commissioners and to review the legislation required for Florida to participate in the Compact.

THE PERSON TO BE CONTACTED REGARDING THE PUBLIC HEARING IS: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: robletor@dfs.state.fl.us.

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

The **Department of Financial Services** announces an annual meeting of the Governor's Continuing Care Advisory Council to which all persons are invited to participate.

DATE AND TIME: Friday, October 8, 2004, 1:00 p.m.

PLACE: Florida Department of Financial Services, Larson Building, 200 East Gaines Street, Larson Building, Tallahassee, FL 32399-0331

GENERAL SUBJECT MATTER TO BE CONSIDERED: To appoint a new chairperson and vice chairperson for the Advisory Council and discuss issues currently facing the Continuing Care industry.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise at least 5 calendar days before the meeting by contacting: Mr. Gary Mills, (850)413-2476.

The **Department of Financial Services** announces a public meeting to which all persons are invited:

DATE AND TIME: October 13, 2004, 11:00 a.m. – 3:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting relates to the reorganization of regulation of the Cemetery/Funeral Industry as effected by Senate Bill 528, enacted in the 2004 session of the Florida Legislature. More specifically, this meeting is for the purpose of receiving suggestions and input regarding the need for and content of a so-called "glitch bill" regarding the reorganization, which glitch bill might be filed for consideration in the 2005 session

of the Florida Legislature. All interested persons are invited to attend, and provide input, if desired. To assist the Department in most effectively planning and conducting the meeting, persons desiring to make a statement are requested to email the contact person shown herein, at the earliest possible time, and in no event later than 10 days before the meeting, reference this meeting, and provide your name, where and how we may contact you, who you will represent if you represent a group, and the estimated length of your remarks. Interested persons who wish to be on the Department's email contact list for updates regarding this meeting should email the contact person named herein, referencing in your email the Oct. 13th public meeting regarding the glitch bill, state that you desire to be on the Department's contact list, and provide your name and email address. Also, persons who have or will have written materials they wish to submit or have considered, including specific proposed bill language, are invited and urged to submit same to the contact person named herein at least 10 days in advance of the meeting, and the Department will undertake (subject to technical and volume constraints) to distribute them by email to all persons on the Department's contact list regarding this meeting.

For more information contact: Diana Evans, Larson Building, 5th floor, Tallahassee FL 32399-0333, e-mail: evansD1@dfs.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any persons requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

THE ABLE TRUST

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board Meeting to which all interested persons are invited.

DATE AND TIME: Saturday, September 11, 2004, 9:00 a.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended grants to assist citizens with Disabilities in achieving employment.

For more information, special accommodations or alternative format request, please call The Able Trust at (850)224-4493 or 1(888)838-2253.

FLORIDA STATE COURTS SYSTEM

The **Florida State Courts System** announces a public hearing to which all persons are invited:

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

PLACE: The Florida Supreme Court Building, ISS Conference Room, 500 South Duval Street, Tallahassee, FL 32399-1900

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of the State Courts Administrator will present an overview of the State Courts System's 2005-2006 legislative budget request to the Legislature, followed by a time for public questions and comments.

AUTHORITY: Section 216.131, Florida Statutes

Persons wishing to testify are requested to contact Ms. Charlotte Jerrett, Director of Administrative Services, by September 13, 2004, 9:00 a.m., at the address above. Written comments may be submitted to the hearing officer at the proceeding or mailed to the Office of the State Courts Administrator at the above address.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact Ms. Charlotte Jerrett, Director of Administrative Services, no later than September 13, 2004, 9:00 a.m., by phone (850)488-9922, or in person at the Florida Supreme Court Building, Room 327.

SPACE COAST WORLD TRADE COUNCIL

The **Space Coast World Trade Council** will hold its 8th Annual Fall Regulatory Review to which all persons are invited.

DATES AND TIME: September 14-16, 2004, 7:30 a.m. – 5:00 p.m.

PLACE: Doubletree Oceanfront Hotel, Cocoa Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The conference will focus on a broad range of import and export regulatory and compliance matters. The Regulatory Review includes workshops and sessions on import and export basics, product classifications, compliance program development, and license and export automation, to name just a few. This is the perfect way to meet annual training requirements.

Registration for Council members is \$300; non-members – \$375; US Government rate – \$300. Half-day introductory import and export classes on the 14th are \$45.00 each. There will be a significant luncheon keynote speaker on Wednesday, September 15th. The luncheon is open to the public at a cost of \$35.00 for non-Review attendees. Registration is required for the luncheon. Payment may be made at the door and VISA, MasterCard, and American Express will be accepted. Register on-line at www.spacecoastworldtradecouncil.org, or contact: Sandy Pfrimmer, (321)242-4978 or (321)433-5571.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a general meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: September 15, 2004, 2:00 p.m.

PLACE: TRDA Conference Room, Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting, Board of Directors.

A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, e-mail: dkershaw@trda.org.

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The **First Florida Governmental Financing Commission** announces the following public meeting, where all interested parties are invited:

DATE AND TIME: Friday, September 17, 2004, 11:00 a.m.

PLACE: Commission Chambers, City Hall, City of Boca Raton, 201 West Palmetto Park Road, Boca Raton, Florida

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923, (850)878-1874.

SCRIPPS FLORIDA FUNDING CORPORATION

The Audit Committee Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Monday, September 20, 2004, 2:30 p.m. – 3:30 p.m.

PLACE: 505 South Flagler Drive, 8th Floor Conference Room, West Palm Beach, or 1(877)242-6519, Conference ID #9815830, Leader – Jennie Hopkins

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to review the unaudited financials of Scripps Florida for the quarter ending June 30, 2004 and the engagement letter for the audit of compliance by The Scripps Research Institute with certain provisions of the Operating and Funding Agreement between Scripps Florida Funding Corporation and The Scripps Research Institute dated January 30, 2004, Section 288.955, Florida Statutes, and Chapter 10.700 Rules of the Auditor General of the State of Florida.

The date, time, and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/otted/index.html> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 21, 2004, 1:30 p.m.
 PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by writing: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-COO, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Payne by September 17, 2004.

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 22, 2004, 1:30 p.m.
 PLACE: SRB Trustees Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Barbara Sawyer by Friday, September 17, 2004.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

The **Florida Developmental Disabilities Council**, Inc. announces it's regularly scheduled business meeting.

MEETING: Committee Meetings
 DATE AND TIME: Thursday, September 23, 2004, 11:00 a.m. – 6:00 p.m.

MEETING: Full Council Meeting
 DATE AND TIME: Friday, September 24, 2004, 9:30 a.m. – 3:30 p.m.

PLACE: Adam's Mark Clearwater Beach Resort, 430 South Gulfview Boulevard, Clearwater Beach, Florida 33767

Please Note: Meeting times are subject to change.
 To receive a copy of the agenda, or request special accommodations for participation in the meeting, please contact: Colleen Fox, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981, 1(800)580-7801, local (850)488-4180 or TDD toll free 1(888)488-8633.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces an FAJUA Operating Committee teleconference to which all persons are invited:

DATE AND TIME: Friday, September 17, 2004, 10:00 a.m.
 PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss changes to the FAJUA Plan of Operations and any other matters that may come before the committee.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, e-mail: lstoutamire@fajua.org.

The **Florida Automobile Joint Underwriting Association** announces two FAJUA Committee meetings and an FAJUA Board of Governors meeting to which all persons are invited:

FAJUA Budget Committee Meeting
 DATE AND TIME: Monday, September 27, 2004, 2:00 p.m.
 PLACE: JW Marriott, 1109 Brickell Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed FY2004-2005 FAJUA budget, make recommendations to the Board, and to consider other matters that may come before the Committee.

FAJUA Advisory Committee Meeting
 DATE AND TIME: Monday, September 27, 2004, 4:00 p.m.

PLACE: JW Marriott, 1109 Brickell Avenue, Miami, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss duties and procedures relating to the FAJUA Advisory Committee and any other matters that may come before the committee.

FAJUA Board of Governors Meeting

DATE AND TIME: Tuesday, September 28, 2004, 8:30 a.m.

PLACE: JW Marriott, 1109 Brickell Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports of the general manager, committees, and counsel; to consider and take actions based on those reports; to consider statutorily required rate filing; to discuss proposed 2004-2005 FAJUA budget; and consider any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, e-mail: lstoutamire@fajua.org.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE is hereby given that the Florida Public Service Commission has received the petition for declaratory statement of Indiantown Cogeneration L.P. The petition inquires as to whether its agreed contract modification with Florida Power & Light Company requires Commission approval pursuant to Rule 25-17.0836, Florida Administrative Code. Docket No. 040863-EU.

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

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Medicine has GRANTED a petition for declaratory statement received from Kevin M. McKay, D.C. The Final Order was filed on August 26, 2004 and given the number DOH-04-0978-DS-MQA. No public comments were received. Petitioner requested the declaratory statement which allows Petitioner to post a sign above the practice entrance that does not identify the practice as chiropractic under the specific circumstances presented.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Medicine has DENIED a petition for declaratory statement received from Dr. Dennis Fiorini, D.C. The Final Order was filed on August 26, 2004 and given the number DOH-04-0977-DS-MQA. No public comments were received. Petitioner requested the declaratory statement, which was denied based on the content of Petitioner's advertisement, for providing insufficient information and for inquiring about past conduct.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on August 27, 2004, by W. Dennis Young, M.D. The Petitioner seeks the Board's interpretation of whether the "reading" of nerve conduction studies and spinal ultrasounds as outlined in the Petition, violates Section 456.054, Florida Statutes. The questions posed by Petitioner are: 1) is it appropriate for physicians to split fees with the chiropractor who has had the test administered in his office; 2) is it appropriate to submit claims for non-covered services by representing the service as a covered service; and 3) is it appropriate to submit claims for services performed in Florida as global bills for both technical and professional components, where the technical component was performed elsewhere?

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**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:

Reliance-Andrews Associates, Ltd. vs. Florida Housing Finance Corporation; Case No.: 04-3000RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Keith Luther Fernandez vs. Department of Financial Services; Case No.: 04-0625RX; Rule No.: 4-211.042; Dismissed

The Florida Retail Federation, Inc. vs. Agency for Health Care Administration; Case No.: 04-1828RX; Rule No.: 59G-4.250; Dismissed

Gold Coast School of Construction, Inc. and Douglas L. Gamester vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 04-0692RP; Rule No.: 61G4-15.005; Dismissed

Florida Hotel & Motel Association, Inc., A Florida Non-Profit Corporation vs. Department of Health, Division of Environmental Health; Case No.: 04-1406RP; Rule No.: 64E-9; Dismissed

Olympus Painting Contractors, Inc., A Florida Corporation vs. Department of Transportation; Case No.: 04-1165RU; Voluntary Dismissal

**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

Florida State University, State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: FS-245
Project and Location: Marine Science Research and Training Center
Florida State University
Tallahassee, Florida

The project consists of the construction of a multi-purpose outdoor aquatics facility at the site of the former Florida State University nursery located on Orange Avenue. The facility consists of separate swimming and diving tanks that will be utilized by academics, athletics, and recreation. The project also entails the construction of approximately 8,500 gross square feet of locker room, restroom, training and support spaces. The selected firm will provide design, construction documents and construction administration for the referenced project. The current construction budget is approximately \$6.1 million, including site and building construction. The design phase may require master planning of the site and building in order to allow for future use and expansion of facilities. Expanded services, including utility infrastructure and other site amenities, may be included in the project design and in initial construction phasing. At the University's discretion, the project may be expanded to include design of other future facilities to be constructed on the site. The project delivery system will be construction management. Multiple design packages and multiple Guaranteed Maximum Price (GMP) packages may be required to allow for project phasing. Blanket professional liability insurance will be required for this project in the amount of \$500,000.00, 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 Florida State University "Professional Qualifications Supplement," dated August, 2003. Applications on any other form, or on versions dated prior to 8/03, will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of

Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) 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 Florida State University 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 \$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.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, www.fpc.fsu.edu, or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact: Kim Ball, Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m., local time, on Tuesday, October 12, 2004. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGEMENT FIRMS
 OFFICE OF FACILITIES DESIGN AND CONSTRUCTION
 Duval County Public Schools
 Request for Qualifications (RFQ)
 FOR
 Construction Management Services

The Office of Facilities Design and Construction announces that Construction Management services are required for the following project:

- PROJECT NOS.: C-90980/C-91060
 PROJECT NAMES: 1) New Elementary School "A" No. 150 (New Berlin/Cedar Point)
 2) New Elementary School "B" No. 142 (Crystal Springs/Westside)
 PROJECT LOCATION: Duval County Public Schools District Jacksonville, FL

RFQ's ARE DUE ON OR BEFORE OCTOBER 5, 2004
 AND WILL BE ACCEPTED UNTIL 4:30 P.M.

It is the intent of the District to select the best qualified Construction Managers in the best interest of the District. It is not anticipated that one applicant will be selected for more than one school. However, the District reserves the right to award the contract for services as it determines to be in its best interest. The two (2) selected Construction Managers will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase.

Scope of Work: Construction Management services for two (2) new prototype elementary schools for 830 total student stations. Budgeted not to exceed \$8.4 million dollars each.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff and consultants, and distance from the construction site.

To receive application information and instruction booklet or for additional information contact the Project Manager listed below or visit www.educationcentral.org/facilities.

Applications are to be sent to:

Facilities Design and Construction
 1701 Prudential Drive, 5th Floor
 Jacksonville, FL 32207-8182

PROJECT MANAGER: David E. Shultz
 PHONE NO.: (904)390-2279
 MBE GOALS PER SCHOOL: New Elementary School "A" No. 150 (New Berlin/Cedar Point) 10% AA, 3% HANA, 7% WBE
 New Elementary School "B" No. 142 (Crystal Springs/Westside) 10% AA, 3% HANA, 7% WBE
 Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, then under General Documents, Selection of Construction Manager. Individual applications for each school are required.

NOTICE TO PROFESSIONAL CONSULTANTS
 OFFICE OF FACILITIES DESIGN AND CONSTRUCTION
 FOR
 Request for Qualifications (RFQ)
 Professional Services
 Engineering Services

The Office of Facilities Design and Construction announces that Engineering services are required for a project entitled District-Wide HVAC at First Coast High School No. 265; DCPS Project No. M-88850 for Duval County Public Schools.

The firm selected will be responsible for design, bid review and construction administration of this project having an estimated construction cost of approximately budgeted not to exceed \$1.5 million Construction Budget. The project scope shall consist of replacement of HVAC system in various campus buildings, associated re-piping, and replace EMCS. As an alternate, should funds become available the Duval County Public Schools may expand the scope of this project to include Engineering Services for a duplicate HVAC Project at Mandarin High School No. 260, if it is in the best interest of the District. Election of this alternate is at the sole discretion of the District.

Applications are to be sent to:

Duval County Public Schools
Facilities Design and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: John McKean

PHONE NO.: (904)858-6310

RESPONSE DUE DATE: RFQ'S ARE DUE ON OR BEFORE OCTOBER 12, 2004

AND WILL BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS: 10% Overall

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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design of improvements to the interchange of S.R. 408 (East-West Expressway) and S.R. 417 (Central Florida GreeneWay). Project Limits along S.R. 408 are as follows: Chickasaw Trail on the west to the Little Econlockhatchee River Bridges on the east (approximately 1400 feet west of Dean Road). Project Limits along S.R. 417 are as follows: 3000 feet south of Lake Underhill on the south

to 2000 feet north of S.R. 50 on the north. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 3.3, Complex Highway Design and Group 4.2, Major Bridge Design.

ADDITIONAL TYPES OF WORK THAT MAY BE REQUIRED: Group 6.3, Intelligent Transportation Systems Analysis, Design, and Implementation; Group 7, Traffic Operations Design; Group 8, Surveys; Group 9, Soil Exploration, Material Testing and Foundations; and Group 12, Right of Way Surveying and Mapping.

DESCRIPTION: The project consists of preliminary geometric design for the ultimate interchange improvements to the S.R. 408/S.R. 417 interchange and final design, preparation of construction drawings and specifications for Phase-One improvements including: relocation of the eastbound S.R. 408 to northbound S.R. 417 ramps; relocation of the southbound S.R. 417 to westbound S.R. 408 ramps; replacement of the S.R. 408/S.R. 417 Spur with a local access road; widening of S.R. 408 from six to eight basic lanes; resurfacing and reconstruction of S.R. 408 from Chickasaw Trail to west of Dean Road; roadway and bridge widening on S.R. 417 from four to six basic lanes; resurfacing and reconstruction of S.R. 417 from south of Lake Underhill to north of S.R. 50; widening of the S.R. 417 bridges at Valencia College Lane and S.R. 50; new ramp bridges for Valencia College northbound to S.R. 417; 2-lane ramp from southbound S.R. 417 to westbound S.R. 408; 2-lane ramp from eastbound S.R. 408 to northbound S.R. 417.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

- A. Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve design of limited access highway reconstruction and toll plaza design, completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
- B. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway design projects (toll plaza design experience is plus) and managed the design of at least two (2) limited access highway reconstruction projects;

- C. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
- D. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
- E. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION/NEGOTIATIONS: The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority’s Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant’s willingness to meet time requirements, consultant’s projected workload, and consultant’s use of Minority/Women Owned Businesses.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority’s Code of Ethics, a copy of which may be obtained by contacting the Authority.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

LETTER OF RESPONSE DEADLINE:

October 8, 2004, 3:00 p.m., Orlando, FL, local time

AUTHORITY CONTACT PERSON:

Mr. Joseph A. Berenis, P.E.
Deputy Executive Director
Telephone (407)316-3800

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
525 S. Magnolia Avenue
Orlando, FL 32801
Re: SR 408 Widening
Project No. 253E

AGENCY FOR HEALTH CARE ADMINISTRATION

ANNOUNCEMENT

of

REQUEST FOR STATEMENTS OF QUALIFICATIONS

for

GENERAL CONTRACTING WORK

for a

PRE-QUALIFIED BIDDING LIST

for the

SARASOTA MEMORIAL HOSPITAL

The Sarasota County Public Hospital Board, is accepting statements of qualifications from general contracting firms for the purpose of pre-qualifying general contractors for various construction projects within the hospital. Firms will be divided into categories based on their size and past experience.

The scope of work may include pre-construction phase services such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control, in addition to construction services. Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida professional and corporate registration certificates.
2. Completed AIA Document A305 Contractor’s Qualification Statement latest edition.
3. Proof of general and professional liability insurance coverage.
4. A separate statement as to whether the firm is a certified small/or Minority Business Enterprise as defined by the Florida Small Business Assistance Act of 1985.
5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project.
6. Resumes of key personnel that would be used on the projects at Sarasota Memorial and their past experience in projects of similar size and scope.

7. Previous examples of successful completion of hospital Agency for Healthcare Administration projects.
8. Any additional information to be included at the discretion of the submitting firm.

All interested firms are further informed as follows:

1. The hospital reserves the right to reject any or all submittals. No less than three (3) firms will be chosen for inclusion on the pre-qualified list in each category. These candidates may be asked to make presentations to a selection committee.
2. The basis for selecting candidates includes, but is not limited to, consideration of related project experience, qualifications of proposed team member's and previous Hospital A.H.C.A. experience. The hospital reserves the right to request additional information beyond the data set forth above.
3. Submissions shall be titled "Statement of Qualifications for General Contracting Work". Submittals must be received by the hospital no later than 3:30 p.m., Tuesday, October 5 2004. Submit statements to Bill Shevlin, Manager of Construction & Renovation Services, Sarasota Memorial Hospital, 1700 South Tamiami Trail, Sarasota, Florida 34239.

Submittals received after this deadline will be returned unopened.

4. Interested persons should contact Bill Shevlin, (941)917-1899 or Tom Perigo, (941)917-2048, with questions.

Published:

- Sarasota Herald Tribune
- Florida Administrative Weekly

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

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
SERVICES FOR
ARCHITECTURE-ENGINEERING**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications being sent via the U. S. Mail or via overnight express service shall be sent to: Charles L. Alby, Senior Architect Florida Department of

Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, Phone (850)245-4444, Ext. 3167, Facsimile (850)410-1474.

PROJECT NUMBER: DOH 70405100

PROJECT NAME: Brevard County Health Department – Replacement Facility

SERVICES TO BE PROVIDED: Architecture-Engineering Services for the development of a new 59,000 square foot county health department facility for the purpose of consolidating existing functions through-out the county into one location. The initial Phase I will be to develop the Community Services facility containing approximately 17,000 gross square feet. Phase II will consist of approximately 25,000 gross square feet for the new Clinical Services facility and Phase III will consist of approximately 17,000 gross square feet for the new central Administration facility. The scope of work for Phase I will include the development of the project from design through construction and; the master plan development, including site, of all three functions and how the various phases can be interfaced to the overall facility design. Site will consist of approximately 10 acres and will be located in Viera, Florida. (Melbourne area)

ESTIMATED CONSTRUCTION BUDGET: Estimated total project budget – \$9,000,000. Phase I estimated project budget – \$2,000,000. Other phases will be implemented pending future appropriations.

SAMAS NO: 64-30-1-000319-64200700-00-084093-05

RESPONSE DUE DATE: By 4:00 p.m., local time, Thursday, September 30, 2004

Submissions shall be titled "ARCHITECTURAL AND ENGINEERING QUALIFICATIONS for REPLACEMENT FACILITY FOR BREVARD COUNTY HEALTH DEPARTMENT". Facsimile (FAX) submittals are not acceptable and will not be considered.

INSTRUCTIONS: Submit three (3) bound copies of the following information: *

1. Table of contents
2. Letter of interest
3. A copy of the current Department of Health Professional Qualifications Supplement (PQS) Form DBC5112 Revised 10/97. A copy can be obtained by calling (850)245-4066.
4. A copy of the firm's current Florida Professional License registration. (Proper registration at the time of application is required.
5. (CORPORATIONS ONLY) Current Corporate Certificate providing evidence of validation date and designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
6. Completed Standard Form 254
7. Completed Standard Form 255

*In Article Eight, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.

8. A stamped self-addressed if the applicant would like a Notice of Selection result.

* All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers. However, this is not a mandatory requirement.

EVALUATION: All proposals submitted shall become the property of the Department of Health. The submitted proposals will be placed on file and not returned. Any proposals that do not comply with the above instructions as set forth and/or do not include the required qualification data will be considered improper and disqualify the applicant. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the department shall shortlist a minimum of three (3) firms.

CITY OF ARCADIA

Request for Proposals

Comprehensive Engineering Services

Disaster Recovery and Mitigation Assistance

Professional and Governmental Services

In accordance with the Consultants Competitive Negotiation Act (CCNA), Florida Statute 287.055, the City of Arcadia, Florida is seeking Statements of Qualifications and Proposals for Comprehensive Engineering Services and Governmental Assistance Services associated with Disaster Recovery and Mitigation required as the result of, or in association with a Natural Disaster, Declared Disaster or Declared State of Emergency.

Consultants responding to this RFP must have demonstrated and verifiable experience in working with local, state and Federal agencies to assess, oversee and implement disaster recovery and mitigation efforts. Respondents must have experience in working with the Federal Emergency Management Agency, the Florida Department of Community Affairs, Division of Emergency Management and other governmental relief agencies in preparing Damage Assessments (Damage Survey Reports) and Project Worksheets (PW) for Small and Large Projects, including all necessary reporting and documentation required to ensure compliance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Code of Federal Regulations, Florida Statutes and FEMA Policies.

Consultants responding must have demonstrated and verifiable experience in preparing Damage Assessments, Engineering Evaluations, Contract Documents and Engineering Plans in compliance with FEMA Guidelines for public facilities and

infrastructure, public buildings and structures, bridges, roadway, drainage, sanitary sewer (transmission and collection), water and wastewater treatment facilities, stormwater and sanitary lift/pump stations, potable water delivery, raw water and reclaimed/re-use water systems. Respondents must also have demonstrated experience in Utility Damage Assessments with particular experience in the location and evaluation of buried subsurface facilities including, but not limited to Inflow and Infiltration Analysis, Ground Penetrating Radar studies and Three-Dimensional Radar Tomography studies.

Consultants responding should employ within their firm, or include as members of the consultant team, the necessary personnel and disciplines to perform the requested services. The Proposal must include a cover letter of no more than three pages, single sided in size 10 or greater font, describing the firm or team's experience with similar projects and commitment to provide the necessary staff and resources to swiftly execute requested tasks. Proposals must include an organizational chart detailing the firm or team members anticipated or assigned to the project and resumes for each listed member as well as anticipated hourly rates for each team member. Proposals must include standard forms 254 & 255 and a separate letter certifying the commitment of the firm/team and the accuracy of the proposal, signed by a Principal Member of the Firm.

Interested firms should submit one original and nine (9) copies of their proposal must be received in the Office of the City Administrator, City of Arcadia, 23 North Polk Avenue, Arcadia, FL 34266, no later than 1:00 p.m., Friday, September 17th, 2004. Proposals received after said time will not be accepted and will be returned unopened.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA04-OR-166

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND DEVELOPMENT
REGULATIONS ADOPTED BY
ORDINANCE NO. 2004-06

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), rejecting a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
- 2. On June 30, 2004, the Department received for review City of Marathon Ordinance No. 2004-06 that was adopted by the City of Marathon Board of City Commissioners on June 22, 2004 (“Ord. 2004-06”). Ord. 2004-06 amends the City of Marathon Code, revising the definition and criteria for hotels located within Destination Resort Zoning Districts.
- 3. Ord. 2004-06 is inconsistent with the City’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).
- 5. The City of Marathon 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. 2004-06 are land development regulations.
- 7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
- 8. Ord. 2004-06 is inconsistent with the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (k) To provide adequate alternatives for the protection of public safety, and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
- 9. Ord. 2004-06 is not inconsistent with the remaining Principles. Ord. 2004-06, however, is inconsistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2004-06 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

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, Aicp
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of August, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable John Bartus, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Cindy Ecklund, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
Acting City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John Herin, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA04-OR-172
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: CITY OF MARATHON LAND DEVELOPMENT
REGULATIONS ADOPTED BY
ORDINANCE NO. 2004-13

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On June 25, 2004, the Department received for review City of Marathon Ordinance No. 2004-13 that was adopted by the City of Marathon Board of City Commissioners on June 22, 2004 ("Ord. 2004-13"). Ord. 2004-13 amends Article II, "Decision-Making and Administrative Bodies," of the City Code, clarifying and deleting certain duties of various staff members and the Technical Review Committee. The ordinance also amends Article III, "Development Review," 9.5-41-49, providing for name substitutions and other minor required text changes resulting from the adoption of the Monroe County Code at the time of incorporation of the City.
3. Ord. 2004-13 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. The City of Marathon 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. 2004-13 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2004-13 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 2004-13 is not inconsistent with the remaining Principles. Ord. 2004-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2004-13 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

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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.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of September, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable John Bartus, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050
Cindy Ecklund, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
Acting City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John Herin, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

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, Mazda Motor of America, Inc., intends to allow the establishment of S & D Auto Resources, LLC d/b/a Mazda Wesley Chapel as a dealership for the sale of Mazda automobiles at State Road 54, that portion of Tract A & Lot 16 Saddle Rock Corporate Center – 1A, as recorded in Plat Book 28, Pages 34-44 of the Public Record of Pasco County, Florida. This location is 1.0 miles Southwest from Interstate 75; three-tenths of one mile of Old Pasco Road; and four miles south of State Road 56., on or after June 30, 2005.

The name and address of the dealer operator(s) and principal investor(s) of S & D Auto Resources, LLC d/b/a Mazda Wesley Chapel are dealer operator: Scott Fink, 3936 U.S. Highway 19, New Port Richey, Florida 34652; principal investor(s): Scott Fink 3936 U.S. Highway 19, New Port Richey, Florida 34652 and David Frazier, 29836 69th Way, North, Clearwater, Florida 33761.

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. Greg Smith, Regional Operations Manager, Mazda Motor of America, Inc., 8313 Baycenter Road, Jacksonville, Florida 32256.

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

County: Orange Service District: 7
 CON # 9790 Decision Date: 8/27/2004 Decision: A
 Facility/Project: Hospice of Lake & Sumter, Inc.
 Applicant: Hospice of Lake & Sumter, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$113,402

County: Orange Service District: 7
 CON # 9792 Decision Date: 8/27/2004 Decision: D
 Facility/Project: Wuesthoff Health Services, Inc.
 Applicant: Wuesthoff Health Services, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$0

County: Osceola Service District: 7
 CON # 9793 Decision Date: 8/27/2004 Decision: D
 Facility/Project: Hospice of the Palm Coast, Inc.
 Applicant: Hospice of the Palm Coast, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$0

County: Charlotte Service District: 8
 CON # 9794 Decision Date: 8/27/2004 Decision: D
 Facility/Project: HOPE of Southwest Florida, Inc.
 Applicant: HOPE of Southwest Florida, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$0

County: Collier Service District: 8
 CON # 9795 Decision Date: 8/27/2004 Decision: D
 Facility/Project: HOPE of Southwest Florida, Inc.
 Applicant: HOPE of Southwest Florida, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$0

County: Martin Service District: 9
 CON # 9796 Decision Date: 8/27/2004 Decision: A
 Facility/Project: The Hospice of Martin & St. Lucie, Inc.
 Applicant: The Hospice of Martin & St. Lucie, Inc.
 Project Description: Convert eight residential hospice beds to inpatient beds
 Approved Cost: \$60,107

County: Martin Service District: 9
 CON # 9797 Decision Date: 8/27/2004 Decision: D
 Facility/Project: The Hospice of Martin & St. Lucie, Inc.
 Applicant: The Hospice of Martin & St. Lucie, Inc.
 Project Description: Establish a 12-bed inpatient hospice facility
 Approved Cost: \$0

County: Dade Service District: 11
 CON # 9798 Decision Date: 8/27/2004 Decision: A
 Facility/Project: Hospice of the Palm Coast, Inc.
 Applicant: Hospice of the Palm Coast, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$487,125

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**CERTIFICATE OF NEED
 GRACE PERIOD 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: Pasco District: 5
 Date Filed: 8/17/2004 LOI #: H0408023
 Facility/Project: University Community Hospital, Inc.
 Applicant: University Community Hospital, Inc.
 Project Description: Establish a long-term care hospital of up to 80 beds

County: Seminole District: 7
 Date Filed: 8/25/2004 LOI #: H0408024
 Facility/Project: Orlando Regional Healthcare System, Inc.
 Applicant: Orlando Regional Healthcare System, Inc.
 Project Description: Establish an acute care hospital of up to 60 beds

County: Seminole District: 7
 Date Filed: 8/23/2004 LOI #: H0408025
 Facility/Project: Oviedo HMA, Inc.
 Applicant: Oviedo HMA, Inc.
 Project Description: Establish an acute care hospital of up to 120 beds

County: Palm Beach District: 9
 Date Filed: 8/25/2004 LOI #: H0408026
 Facility/Project: Kindred Hospitals East, L.L.C.
 Applicant: Kindred Hospitals East, L.L.C.
 Project Description: Establish a long-term care hospital of up to 70 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 September 1, 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 Juan Exposito, P.A., license number ME 9100792. 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 26, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license and certificate of Barbara Bannon, R.N., license number RN 730492. 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 26, 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 Coreen Brown-Diaz, R.N., license number RN 3191912. 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 27, 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 Diego Sausa, R.P.T., license number PT 7037. 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 Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 1, 2004):

**APPLICATION AND PLAN OF CONVERSION OF
A NATIONAL BANK TO A STATE BANK**

Applicant and Proposed Location: Bank of Florida, a National Association, 1185 Immokalee Road, Naples, Florida 34110

Correspondent: A. George Iglar, Esquire, Iglar & Dougherty, P.A., 2457 Care Drive, Tallahassee, Florida 32308

Received: August 31, 2004

**STATE NOMINATING COMMITTEE FOR JUDGES OF
COMPENSATION CLAIMS****NOTICE**

**Worker Compensation Judicial Vacancy
Orlando District**

The Statewide Nominating Commission for Judges of Compensation Claims announces that it is accepting applications for Judge of Compensation Claims vacancy in the Orlando District office. This vacancy has been created by the announced resignation of Judge Richard S. Thompson, effective upon his term expiration on September 14, 2004.

Qualified applicants must submit the original completed application and one copy to the State Nominating Committee Chairperson, and one additional copy must be submitted to each Commission member by 5:00 p.m. on September 29, 2004. Faxed or e-mail applications will not be accepted. Applications and the list of Commission members may be obtained from the Florida Bar or Commission Chairperson.

Interviews for this opening shall take place on Monday, October 4, 2004, at the Hyatt Regency located at the Orlando International Airport, 9300 Airport Blvd., Orlando, Florida, 32827 beginning at 9:00 a.m.

Any questions and requests for applications should be directed to: Victor Marrero, Commission Chairperson, Vice President, Marsh USA, Inc., 1560 Sawgrass Corporate Parkway, Suite 300, Sunrise, FL 33323, telephone (954)838-3451, facsimile (954)838-3700, e-mail: victor.v.marrero@marsh.com.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN August 23, 2004
 and August 27, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE

Division of Elections

1S-2.030	8/24/04	9/13/04	30/25	30/27
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DEPARTMENT OF BANKING AND FINANCE

Division of Banking

3C-560.103	8/25/04	9/14/04	30/22	
(Adopted as 69V-560.103)				
3C-560.707	8/25/04	9/14/04	30/22	
(Adopted as 69V-560.707)				
3C-560.805	8/25/04	9/14/04	30/22	
(Adopted as 69V-560.805)				
3C-560.902	8/25/04	9/14/04	30/22	
(Adopted as 69V-560.902)				
3C-560.903	8/25/04	9/14/04	30/22	
(Adopted as 69V-560.903)				
3C-560.904	8/25/04	9/14/04	30/22	
(Adopted as 69V-560.904)				
3C-560.908	8/25/04	9/14/04	30/22	
(Adopted as 69V-560.908)				

Division of Securities and Finance

3E-301.005	8/25/04	9/14/04	30/23	
(Adopted as 69W-301.005)				

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

5E-9.019	8/27/04	9/16/04	30/25	
5E-9.021	8/27/04	9/16/04	30/25	
5E-9.026	8/27/04	9/16/04	30/25	30/32
5E-9.027	8/27/04	9/16/04	30/25	
5E-9.029	8/27/04	9/16/04	30/25	
5E-9.032	8/27/04	9/16/04	30/25	
5E-9.036	8/27/04	9/16/04	30/25	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION

University of Central Florida

6C7-3.033	8/24/04	9/13/04	Newspaper	
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DEPARTMENT OF CORRECTIONS

33-601.226	8/27/04	9/16/04	30/30	
33-601.302	8/27/04	9/16/04	30/30	

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

40B-4.1010	8/24/04	9/13/04	30/22	
40B-4.1060	8/24/04	9/13/04	30/22	
40B-4.1070	8/24/04	9/13/04	30/22	
40B-4.1100	8/24/04	9/13/04	30/22	
40B-4.1130	8/24/04	9/13/04	30/22	
40B-4.1140	8/24/04	9/13/04	30/22	
40B-4.2010	8/24/04	9/13/04	30/22	
40B-4.2020	8/24/04	9/13/04	30/22	
40B-4.2040	8/24/04	9/13/04	30/22	
40B-4.3000	8/24/04	9/13/04	30/22	
40B-4.3020	8/24/04	9/13/04	30/22	
40B-4.3040	8/24/04	9/13/04	30/22	

LAND AND WATER ADJUDICATORY COMMISSION

Concord Station Community Development District

42UU-1.001	8/26/04	9/15/04	30/27	
42UU-1.002	8/26/04	9/15/04	30/27	
42UU-1.003	8/26/04	9/15/04	30/27	

Tern Bay Community Development District

42VV-1.001	8/26/04	9/15/04	30/27	
42VV-1.002	8/26/04	9/15/04	30/27	
42VV-1.003	8/26/04	9/15/04	30/27	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

61G15-18.011	8/26/04	9/15/04	30/30	
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DEPARTMENT OF HEALTH

Division of Family Health Services

64F-12.015	8/24/04	9/13/04	30/29	
64F-12.018	8/24/04	9/13/04	30/29	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.203	8/23/04	9/12/04	30/23	
65A-1.205	8/23/04	9/12/04	30/23	

Family Safety and Preservation Program

65C-20.008	8/23/04	9/12/04	30/17	30/28
65C-20.009	8/23/04	9/12/04	30/17	30/28
65C-20.010	8/23/04	9/12/04	30/17	30/28
65C-20.011	8/23/04	9/12/04	30/17	30/28
65C-20.012	8/23/04	9/12/04	30/17	30/28
65C-20.013	8/23/04	9/12/04	30/17	30/28
65C-22.001	8/23/04	9/12/04	30/17	30/28
65C-22.002	8/23/04	9/12/04	30/17	30/28
65C-22.003	8/23/04	9/12/04	30/17	30/28
65C-22.004	8/23/04	9/12/04	30/17	30/28
65C-22.005	8/23/04	9/12/04	30/17	30/28
65C-22.006	8/23/04	9/12/04	30/17	30/28
65C-22.007	8/23/04	9/12/04	30/17	30/28
65C-22.008	8/23/04	9/12/04	30/17	30/28

**DEPARTMENT OF FINANCIAL SERVICES
Office of Financial Regulation**

69V-560.103	8/25/04	9/14/04	30/22	
(Proposed as 3C-560.103)				
69V-560.707	8/25/04	9/14/04	30/22	
(Proposed as 3C-560.707)				
69V-560.805	8/25/04	9/14/04	30/22	
(Proposed as 3C-560.805)				
69V-560.902	8/25/04	9/14/04	30/22	
(Proposed as 3C-560.902)				
69V-560.903	8/25/04	9/14/04	30/22	
(Proposed as 3C-560.903)				
69V-560.904	8/25/04	9/14/04	30/22	
(Proposed as 3C-560.904)				
69V-560.908	8/25/04	9/14/04	30/22	
(Proposed as 3C-560.908)				

Office of Financial Regulation

69W-301.005	8/25/04	9/14/04	30/23	
(Proposed as 3E-301.005)				