

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Division of Managed Care and Health Quality

RULE TITLE: Spontaneous Fetal Demise  
RULE NO.: 59A-11.0125

PURPOSE AND EFFECT: The Agency proposes to adopt Rule 59A-11.0125, Florida Administrative Code, consistent with provisions of s. 383.33625, F.S. The statute provides for adoption of rules to develop forms to be used for notifications and elections by health care facilities.

SUBJECT AREA TO BE ADDRESSED: The proposed rule establishes procedures and a form to be used by health care facilities to provide notification to a mother of the options available for the disposition of fetal remains in the event of a spontaneous fetal demise occurring after a gestation period of less than 20 completed weeks.

SPECIFIC AUTHORITY: 383.33625(6) FS.

LAW IMPLEMENTED: 383.33625 FS.

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-11.0125 Spontaneous Fetal Demise.

When a spontaneous fetal demise occurs after a gestation of less than 20 completed weeks, the health care practitioner identified in Ch. 383.33625, F.S., shall follow the provisions of that section and shall provide AHCA Form XXXX-xxxx, which is incorporated by reference, to the mother for her

completion. A copy of the signed and completed form shall be retained in the mother's birth center file and shall be available for review by the Agency or Department of Health.

Specific Authority 383.33625 FS. Law Implemented 383.33625 FS. History--  
New \_\_\_\_\_.

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Health Facility and Agency Licensing

RULE TITLE: HMO and PHC Penalty Categories  
RULE NO.: 59A-12.0073

PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to correct the rule to comply with statutory authority by removing the language dealing with the Agency having the authority to charge examination or investigative costs in addition to assessing fines.

SUBJECT AREA TO BE ADDRESSED: The non statutory authority to assess examination or investigative fees by the Agency in addition to any fines assessed under this rule against health maintenance organizations and prepaid health clinics.

SPECIFIC AUTHORITY: 641.56 FS.

LAW IMPLEMENTED: 641.512(3),(7) FS.

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

TIME AND DATE: 9:30 a.m., Monday, February 16, 2004

PLACE: Conference Room 316, Building 1, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hazel Greenberg, Medical Health Care Program Analyst, Agency for Health Care Administration, Bureau of Managed Health Care, Data Analysis Unit, 2727 Mahan Drive, Bldg. 1, Mail Stop Code 26, Tallahassee, FL 32308, (850)414-9444

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-12.0073 HMO and PHC Penalty Categories.

(1) through (5)(g) No change.

(6) Mitigating Factors. The following mitigating factors are considered in determining penalties for violations not listed in this rule, and, as to listed violations, the placement of the penalty within the range specified:

(a) Whether corrective activities were actually and substantially initiated (not just planned) and implemented by the HMO or PHC before the violation was noted by or brought to the attention of the Agency and before the HMO or PHC was made aware that the Agency was investigating the alleged violation. Such corrective activities must be implemented to assure that the violation does not recur and may shall include

but are not limited to the following: personnel changes, reorganization or discipline, and making any injured party whole as to harm suffered in relation to the violation.

(b) through (d) No change.

(7) Penalty Categories and Fines Assessed. Violations are divided into three categories. Category I violations are the most serious and Category III violations are the least serious. Category I violations are violations that will cause harm to the subscriber; Category II violations are violations that have the potential to cause harm to the subscriber; and, Category III violations are violations that would cause no harm to the subscriber. The Agency will use the factors in subsections (5) and (6) above, and any similar or analogous violation listed in this rule, if applicable, to determine, within the penalty ranges specified below, the fine for each violation within a category. ~~The penalty amount does not include any examination or investigative costs that may be assessed in addition to the fine.~~

(a) through (c)5. No change.

Specific Authority 641.56 FS. Law Implemented 641.52, 641.511, 641.55, 641.58 FS. History--New 12-9-03, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE: Facials (Including Skin Care and Hair Removal) RULE NO.: 61G5-22.006

PURPOSE AND EFFECT: The Board proposes development of this rule to restructure the requirements for facials.

SUBJECT AREA TO BE ADDRESSED: Facials (Including Skin Care and Hair Removal).

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0201, 477.023(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE: Salon License Fee RULE NO.: 61G5-24.005

PURPOSE AND EFFECT: The Board proposes development of this rule to address the salon license fee.

SUBJECT AREA TO BE ADDRESSED: Salon License Fee.

SPECIFIC AUTHORITY: 477.016, 477.026 FS.

LAW IMPLEMENTED: 477.026(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmeology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

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

PURPOSE AND EFFECT: The Board proposes development of this rule to address the reexamination fee.

SUBJECT AREA TO BE ADDRESSED: Cosmetologist Reexamination Fee.

SPECIFIC AUTHORITY: 477.016, 477.026 FS.

LAW IMPLEMENTED: 455.2171, 477.026(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLE: Time for Payment of Civil Penalties RULE NO.: 61G7-4.003

PURPOSE AND EFFECT: This rule is being amended to clarify when the payment of a penalty must be made.

SUBJECT AREA TO BE ADDRESSED: Time for Payment of Civil Penalties.

SPECIFIC AUTHORITY: 455.227(3) FS.

LAW IMPLEMENTED: 120.53, 455.227(3) 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: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-4.003 Time for Payment of Civil Penalties.

(1) In cases where the Board imposes a civil penalty for violation of Chapter 455 or Chapter 468, F.S., or of the rules promulgated thereunder, the penalty shall be paid within 30 days of ~~the filing of the Board's order its imposition by order of the Board.~~

(2) No change.

Specific Authority 455.227(3) FS. Law Implemented 120.53, 455.227(3) FS. History—New 4-29-92, Formerly 21EE-4.003, Amended.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLES:	RULE NOS.:
Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing	61G7-5.001
Registration and Fee for De Minimis Operations	61G7-5.0011
Historical Sketch	61G7-5.0012
Annual Assessment on Gross Florida Payment	61G7-5.002
Attestation of Financial Statements	61G7-5.003
Audited Financial Statements	61G7-5.0031
Reviewed Financial Statements	61G7-50032
Consolidated and Combined Financial Statements	61G7-5.0033
Use of Franchised or Licensed Names	61G7-5.0034
Deficiency in Tangible Accounting Net Worth; Guaranty Form Acceptable to Board; Sufficient Evidence of Guarantor's Adequate Resources	61G7-5.005

PURPOSE AND EFFECT: These rules are being amended to remove obsolete language, update forms, clarify existing language, and to specify the Board's website address for use by its licensees; to clarify assessments that the Board shall be paid; to allow for workers' compensation requirements to be covered by a letter for the Joint Underwriters Association; and to clarify what the letter should read to allow for proof of coverage to be bound by letter from agent or carrier authorized

to bind; to require that employee leasing companies acquiring 10% or more of the voting stock must report to the Board on form EL 4512 within 30 days.

SUBJECT AREA TO BE ADDRESSED: Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing; Registration and Fee for De Minimis Operations; Historical Sketch; Annual Assessment on Gross Florida Payroll; Attestation of Financial Statements; Audited Financial Statements; Reviewed Financial Statements; Consolidated and Combined Financial Statements; Use of Franchised or Licensed Names; and Deficiency in Tangible Accounting Net Worth; Guaranty Form Acceptable to Board; Sufficient Evidence of Guarantor's Adequate Resources.

SPECIFIC AUTHORITY: 120.53(1), 455.2281, 468.522, 468.5245, 468.5275 FS.

LAW IMPLEMENTED: 468.524(2), 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529 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: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-5.001 Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing.

(1) Applicants for licensure as an employee leasing company or as a controlling person shall file a completed application on Form EL4501, DPR-EL-001, "Application for Licensure as Employee Leasing Company," and/or EL4510, "Application for Licensure as a Controlling Person," ~~or Controlling Person,~~ effective 9-8-94. The form, together with its attached instructions for completing the application form, is incorporated herein by reference and may be obtained from the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from its Website located at www.myflorida.com. Applicants shall cure all deficiencies in their application noted by the board within 90 days from the date of the letter notifying the applicant or the application will be denied as an incomplete application. For purposes of this rule, an application is complete when all items on the application form have been fully answered, the applicant has paid the application fee specified in subsection (2), and has submitted all attendant documentation, certifications, fingerprint cards, explanations of answers, and

other items specified in the form and its attached instructions. An application for licensure as an employee leasing company or group will not be deemed complete until both the controlling person(s) and employee leasing company parts are complete.

(2) No change.

(3) License fees shall be assessed as follows:

(a) for initial licensure applications to be effective ~~filed~~ in the first year of the biennium:

1. \$1,000 for each controlling person;
2. \$1,500 for each employee leasing company;
3. \$2,500 for each employee leasing company group.

(b) for initial licensure applications to be effective ~~filed~~ in the second year of the biennium:

1. \$500 for each controlling person;
2. \$750 for each employee leasing company;
3. \$1,250 for each employee leasing company group.

(c) for renewal licensure applications:

1. \$1,000 for each controlling person;
2. \$1,500 for each employee leasing company;
3. \$2,500 for each employee leasing company group.

(d) For purposes of this rule the first biennium shall end on April 30, 1994. ~~Thereafter, each biennium shall end on April 30~~ of every even-numbered year.

(e) No change.

(f) Initial assessments shall be paid as per Rule 61G7-5.002, F.A.C.

(4) through (5) No change.

(6) In determining that an applicant meets the licensure requirements in Section 468.525, F.S., the Board must find that the applicant:

(a) In the case of an individual applying for licensure as a controlling person:

1. Is at least 18 years of age;
2. Is of good moral character as defined in Section 468.525(2)(a), F.S.;
3. Has sufficient education or experience to successfully operate as a controlling person of an employee leasing company.

4. Notwithstanding the foregoing, an applicant shall not be deemed to meet the requirements of Section 468.525(1)(c), F.S., if the applicant has been affiliated directly or indirectly with any person, persons or entities (not only an employee leasing company) whose business operations are being or have been operated in a manner detrimental to clients, employees, governmental agencies, investors or creditors through the improper manipulation of assets or accounts. The foregoing shall apply only if the applicant would have been considered a "controlling person" of any such entity as that term is defined in Section 468.520(7), F.S. "Business operations which are deemed to be detrimental to clients, employees, governmental agencies, investors or creditors" shall mean a history, pattern or significant incidence of the following:

a. The imposition of federal or state withholding or payroll tax liens,

b. Unpaid federal, state or local withholding or payroll taxes,

c. Violating federal wage and hour laws,

d. Failure to comply with state or federal workers' compensation requirements,

e. Failure to comply with applicable laws relating to the providing and maintenance of health insurance benefits to employees, and

f. Failure to comply with occupational health and safety act (OSHA) requirements.

5. If any person applying for licensure as a controlling person, pursuant to Section 468.525, F.S., has engaged in the activities set forth in 4.a. through f. above, this shall not be deemed to be an automatic bar to licensure. In determining whether to approve an applicant for licensure in spite of such activities, the Board shall consider the following factors:

a. The length of time since the prior activity.

b. The steps taken by the applicant to insure the non-occurrence of similar actions in the future.

c. The restitution of any damages suffered by any company, client or victim of the applicant's actions.

d. The lack of any recurrent actions by the applicant.

e. The lack of any wrongful intent by the applicant at the time of the action.

6. Any controlling person's license approved by the board shall exist only in conjunction with a license granted to an employee leasing company. When any controlling person ceases to meet the statutory and rule criteria to be a controlling person then the controlling person's license shall expire and become null and void. If a controlling person notifies the Department within ninety (90) days of the event which ends the individual's status as a controlling person that the individual is going to become a controlling person with another employee leasing company then a new controlling person license will be issued upon payment of a \$5.00 application fee. For such an application only, the background checks required of all initial controlling person applicants shall be waived insofar as the information would be available from the previous licensure file.

(b) In the case of a sole proprietorship, partnership, corporation, or other form of business entity applying for licensure as an employee leasing company:

1. If a corporation, is validly organized in the State of Florida, or appropriately registered as a Foreign Corporation doing business in the State of Florida as evidenced by a Certificate of Standing issued by the Florida Secretary of State.

2. Has and is maintaining, at the time of application, a positive working capital as determined in accordance with generally accepted accounting principles as demonstrated in the information filed with the application.

3. Has a tangible accounting net worth of not less than \$50,000 in accordance with generally accepted accounting principles as demonstrated in the information filed with the application.

4. Has, at the time of application, a contract form meeting the requirements of Sections 468.525(3) and (4), F.S., which will be used after licensure to engage in employee leasing with new or renewal clients.

5. Has provided with the application a certificate of workers' compensation insurance coverage which shall name the Board as a Certificate Holder and shall provide for a minimum of 30 days' notification of cancellation or if a policy from the Florida Joint Underwriters Association (JUA) is to be utilized by the applicant, the applicant has provided a letter from the JUA which sets forth that the policy will issue immediately upon licensure by the Board, and the policy issues from the JUA within thirty (30) days of the JUA's notification from the Board that the applicant has been approved subject to the JUA policy issuing. The employee leasing company may not contact to provide any services to leased employees until the JUA policy has issued.

6.a. Has provided with the application copies of the declaration pages and all endorsements (~~other than additional work site or alternate employer endorsements~~) on all plans for workers' compensation insurance covering leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with copies of any policies, declaration pages and endorsements within sixty (60) days or:-

b. Has supplies the Board a letter signed by an agent or a carrier authorized to bind coverage on behalf of such carrier, which substantially reads as follows:

Board of Employee Leasing Companies  
Division of Business and Professional Regulation  
Northwood Centre

1940 North Monroe Street  
Tallahassee, Florida 32399

RE: \_\_\_\_\_

Dear \_\_\_\_\_:

Enclosed is a copy of the Certificate of Liability Insurance for is an authorized agent and has the authority to bind coverage with \_\_\_\_\_. This policy number is \_\_\_\_\_, effective from to \_\_\_\_\_ and issued to \_\_\_\_\_. This policy provides coverage to leased employees in Florida.

7.a. Has provided with the application copies of the policies, declaration pages and all endorsements on all plans or arrangements of group insurance for the provision of health benefits to leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with copies of any policies, declaration pages and endorsements within sixty (60) days; or:-

b. Has supplied the Board the affidavit set forth in paragraph 61G7-5.001(12)(b), F.A.C.

(7) through (10) No change.

(11) An applicant to become a controlling person of an already licensed employee leasing company, who will become a controlling person as the result of a change in control of the voting securities of the employee leasing company, shall, at the time of application, submit the closing papers with the application or a letter to the Board after the sale has been completed in order to confirm that ownership of the voting securities was transferred to the applicant.

(12)(a) Every employee leasing company or employee leasing company group which sponsors a plan for health benefits for its employees shall submit a complete copy of the plan or health insurance policy to the Board for review to insure compliance with subsection 468.529(1), F.S. In the event that the Board's review indicates that the submitted plan or policy is a self-insured plan of health benefits, the applicant or licensee shall submit an amended policy in conformity with subsection 468.529(1), F.S.

(b) As an alternative to the submission of the plan or health insurance policy as provided in paragraph (a) the applicant or licensee may submit an affidavit from the insurer showing that the policy or plan is in compliance. Nothing in this rule shall impose any requirement on any insurer to provide such an affidavit. In the event that an affidavit is submitted, it shall be in substantially the following form:

AFFIDAVIT

I, (Name of affiant), after being duly sworn upon my oath, depose and state:

1. I am employed by (name of employer) as (position). (Name of employer) is an admitted insurance carrier in the State of Florida. I possess the authority to make the following statements on behalf of (name of employer) and to bind (name of employer) concerning the statements made herein.

2. It is my understanding that, as a requirement for licensure as an employee leasing company in Florida, an employee leasing company may not sponsor a plan of self-insurance for health benefits except as may be permitted by the provisions of the Florida Insurance Code or, if applicable, by Pub. L. No. 93-406, the Employees Retirement Income Security Act. (Name of insurer) Group Insurance Policy # issued to (name of leasing company), is in compliance with the requirements of this law as it is a fully insured insurance product which is fully insured by (name of insurer). Notwithstanding any provision in the policy which could be interpreted to the contrary (name of insurer) is ultimately fully responsible for all incurred claims under the terms of the policy.

After having read the above statements, I swear that they are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.

Subscribed to before me this ---- day of -----, 200, 499, by (Name of affiant), who being known to me/produced written identification in the form of (Type of identification), and did take an oath.

Notary Public

My Commission Expires \_\_\_\_\_

Specific Authority 120.53(1), 455.2281, 468.522, 468.5245, 468.5275 FS. Law Implemented 468.524(2), 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529 FS. History--New 5-5-92, Amended 7-15-92, 10-20-92, Formerly 21EE-5.001, Amended 10-24-93, 3-14-94, 7-4-94, 9-8-94, 11-13-94, 2-13-95, 6-4-95, 11-9-95, 5-26-96, 5-19-97, 4-29-99, \_\_\_\_\_.

61G7-5.0011 Registration and Fee for De Minimis Operations.

(1) Any employee leasing company or group which meets the qualifications for de minimis operations pursuant to section 468.5275, Florida Statutes, shall apply to the Board on form EL-4501, DPR/EL-009, entitled "Application for Registration of an Employee Leasing Company or Employee Leasing Company Group De Minimis Exemption & Registration" effective ~~1-31-95~~, which is incorporated herein by reference and available from the Board office or from its Website located at www.myflorida.com. The annual fee for de minimis registration shall be \$250 for an employee leasing company and \$500 for an employee leasing company group.

(2) No change.

Specific Authority 468.522, 468.5275(2) FS. Law Implemented 468.5275 FS. History--New 8-17-94, Amended 1-31-95, 11-9-95, \_\_\_\_\_.

61G7-5.0012 Historical Sketch.

(1) Each initial application for an Employee Leasing Company license shall be accompanied by a completed "Historical Sketch", Form EL-4512, BPR/EL-012, effective ~~1-25-98~~, which is hereby incorporated by reference and available by mail from the Board office or from its Website at www.myflorida.com, from those individuals who:

(a) directly or indirectly control 20% or more of the voting stock of the applicant or of its ultimate parent, if the applicant or its ultimate parent is a publicly traded company; or

(b) directly or indirectly control 10% or more of the voting stock of the applicant or of its ultimate parent, if the applicant or its ultimate parent is a closely held company; or

(c) are directors or principal officers of the applicant or its ultimate parent.

(2) No change.

(3) Each employee leasing company shall, within thirty (30) days of any person or entities acquisition of 10% or more of its voting stock or the voting stock of the employee leasing company's ultimate parent (if the employee leasing company or its ultimate parent is a closely-held company) or 20% or more of the voting stock of the employee leasing company or of its ultimate parent (if the employee leasing company or its ultimate parent is a publicly-held company) submit form EL-4512 to the Board from such person(s) or entities.

~~(4)(3) As a condition of renewal all employee leasing companies are also required to update any material changes to the previously filed forms or alternative information. If no changes have occurred the licensee must state that no changes have occurred.~~

~~(5)(4) Each application for a certificate of approval for a proposed change of ownership shall be accompanied by a completed Form EL-4512 BPR/EL-012 for the same individuals as specified in subparagraph (1) above.~~

~~(6)(5) Those employee leasing companies that were not required to have submitted Form EL-4512 BPR/EL-012 or provide the alternative information as specified in paragraph (2) above as a requirement for initial licensure must submit such forms or information as a condition for renewal of licensure for the period beginning April 1, 1998.~~

~~(7)(6) If any individual who is required to submit a completed Form EL-4512 BPR/EL-012 or in the alternative information evidences a lack of good moral character, as defined in Section 468.525(2)(a), F.S., then the initial employee leasing licensure application shall be denied or the license shall not be renewed until the individual(s) in question is no longer involved with the employee leasing company in a capacity which would require the submission of a historical sketch of the individual(s) to the Board as provided herein.~~

Specific Authority 468.522, 468.524(2), 468.5245 FS. Law Implemented 468.524(2), 468.5245 FS. History--New 1-25-98, Amended \_\_\_\_\_.

61G7-5.002 Annual Assessment on Gross Florida Payroll.

(1) ~~The Effective April 1, 1992,~~ the Department of Business and Professional Regulation shall assess each Employee Leasing Company and each Employee Leasing Company Group an annual assessment fee based upon the preceding calendar year's gross Florida payroll of the company or group. The assessment shall be due on April 1 of each year and shall become delinquent after April 30. For new applicants the initial assessment shall be due with the licensure application. Funds collected under this assessment are to be made payable to the Board and to be deposited into the Professional Regulation Trust Fund as created within the Department. The annual assessment fee shall be calculated in accordance with the following table:

Amount of Gross Florida Payroll	Assessment Fee Due
less than \$250,000	\$144.00
\$250,000 – \$500,000	\$254.00
\$500,001 – \$1,000,000	\$380.00
\$1,000,001 – \$2,500,000	\$535.00
\$2,500,001 – \$5,000,000	\$689.00
\$5,000,001 – \$7,500,000	\$844.00
\$7,500,001 – \$10,000,000	\$998.00
\$10,000,001 – \$15,000,000	\$1,154.00
\$15,000,001 – \$20,000,000	\$1,308.00
\$20,000,001 – \$30,000,000	\$1,462.00
\$30,000,001 – \$40,000,000	\$1,617.00
\$40,000,001 – \$50,000,000	\$1,829.00
greater than \$50,000,000	\$2,039.00

(2) In order to ensure compliance with the requirements of subsection (1), each employee leasing company or employee leasing company group shall annually submit a statement of total gross Florida payroll along with copies of all Florida Unemployment Compensation Tax returns (UCT-6) for the preceding calendar year and payment of the assessment levied under subsection (1). Every employee leasing company shall submit the statement of total gross Florida payroll and copies of all Florida Unemployment Compensation Tax returns (UCT-6) on or before April 1 of each year. Total gross Florida payroll shall be subject to independent verification by the Board ~~with the Department of Labor and Employment Security, Division of Unemployment Compensation,~~ and shall also be subject to audit by the Board.

(3) through (4) No change.

Specific Authority 468.522 FS. Law Implemented 468.526 FS. History–New 7-15-92, Formerly 21EE-5.002, Amended 4-25-94, 6-10-96, 6-22-98, 7-11-00, \_\_\_\_\_.

61G7-5.003 Attestation of Financial Statements.

Financial statements submitted to the Board by an employee leasing company shall be accompanied by a completed form EL-4503, DPR/EL-003, entitled “Employee Leasing Company Attestation To Financial Statements,”; effective 7-20-92, which is incorporated herein by reference and may be obtained by contacting the Board’s office or its Website at www.myflorida.com. The form shall be executed by the chief financial officer, the chief executive officer, and the controlling person of the employee leasing company.

Specific Authority 455.227(3) FS. Law Implemented 468.524(2) FS. History–New 7-20-92, Formerly 21EE-5.003, Amended \_\_\_\_\_.

61G7-5.0031 Audited Financial Statements.

(1) No change.

(2) For ~~every any~~ fiscal year, ~~beginning January 1, 1994, and for every subsequent fiscal year,~~ audited financial statements must be submitted to the Board within 120 days of

the licensee’s fiscal year end. For purposes of this rule, “submitted” means that the audited financial statement must be postmarked within 120 days of the end of the fiscal year.

(3) through (4) No change.

(5) All members of an employee leasing company group must have the same fiscal year end. In the event that all members of such a group do not have the same fiscal year end at the time of initial licensure, such group shall have two (2) years from the date of initial licensure to comply with this rule. ~~Already licensed employee leasing company groups shall also have two (2) years from the effective date of this rule to comply with the above stated requirement.~~ In addition, any member added to a group after initial licensure shall change its fiscal year end to the group’s fiscal year end within one (1) year of joining the group.

Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History–New 8-17-94, Amended 5-26-96, \_\_\_\_\_.

61G7-5.0032 Reviewed Financial Statements.

(1) No change.

(2) For ~~every any~~ fiscal year, ~~beginning January 1, 1994, and for every subsequent fiscal year,~~ reviewed financial statements must be submitted to the Board within 120 days of the licensee’s fiscal year end. For purposes of this rule, “submitted” means that the reviewed financial statement must be postmarked within 120 days of the end of the fiscal year.

(3) through (4) No change.

(5) All members of an employee leasing company group must have the same fiscal year end. In the event that all members of such a group do not have the same fiscal year end at the time of initial licensure, such group shall have two (2) years from the date of initial licensure to comply with this rule. ~~Already licensed employee leasing company groups shall also have two (2) years from the effective date of this rule to comply with the above stated requirement.~~ In addition, any member added to a group after initial licensure shall change its fiscal year end to the group’s fiscal year end within one (1) year of joining the group.

Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History–New 8-17-94, Amended 5-26-96, \_\_\_\_\_.

61G7-5.0033 Consolidated and Combined Financial Statements.

(1) An employee leasing company or an employee leasing group may submit consolidated audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as the entity exercising control over the entities that are reporting on a consolidated basis is a member of the employee leasing company group, or in the case of an EL license, as long as the entity exercising control is a properly licensed employee leasing company and there are cross guarantees for both entities. “Control” is defined as ownership of more than fifty (50) per cent of the voting stock

of all reporting entities. Non-licensed entities may be included in the consolidated statements so long as the foregoing requirements are met.

(2) An employee leasing company group may submit combined audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as all entities covered in the combined financial statement reports are members of the Florida licensed employee leasing company group. Other entities ~~that are not members of the Florida licensed employee leasing company group~~ may not be included in combined financial statements.

Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History—New 5-26-96, Amended \_\_\_\_\_.

61G7-5.0034 Use of Franchised or Licensed Names.

~~(1)~~ No change.

~~(1)(a)~~ No change.

~~(a)1~~ No change.

~~(b)2~~ No change.

The difference in names between two or more licensees entitled to use the name of a franchisor or licensor must be plainly different and the differences must indicate a distinction in location or some other clear distinction.

~~(2)(b)~~ No change.

~~(3)(e)~~ No change.

~~(4)(d)~~ No change.

~~(5)(e)~~ No change.

~~(6)(f)~~ No change.

~~(a)1~~ No change.

~~(b)2~~ No change.

~~(c)3~~ No change.

(7) Licensees majority owned by the same ultimate parent entity or persons, may utilize the same dba.

Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History—New 5-26-96, Amended \_\_\_\_\_.

61G7-5.005 Deficiency in Tangible Accounting Net Worth; Guaranty Form Acceptable to Board; Sufficient Evidence of Guarantor’s Adequate Resources.

(1) When an applicant chooses to have a guaranty to offset any deficiency in tangible accounting net worth, accounting net worth, or working capita, such guaranty shall be made on Form EL-4505, DPR/EL-005, entitled “Board Approved Guaranty Form,” effective \_\_\_\_\_, ~~September 6, 1993~~, which is incorporated herein by reference, and such guaranty shall be irrevocable until such time that the deficiency causing the guaranty has been corrected.

(2) Applicants and licensed employee leasing companies who submit a guaranty in accordance with subsection (1) shall also show that the guarantor has adequate resources to satisfy the obligation of the guaranty. Upon the Board’s finding that the guarantor’s resources and the guaranty are acceptable, the

applicant or licensed employee leasing company shall provide the original guaranty to the Board to keep with the leasing company’s applicant’s file.

(3) When an applicant or leased employee leasing company chooses to submit an irrevocable letter of credit to offset any deficiency in tangible accounting net worth, accounting net work, or net working capital, such irrevocable letter of credit is acceptable so long as: (a) the responsibility for repayment of any sums disbursed under the letter of credit is not an obligation of the employee leasing company or any entity affiliated with the employee leasing company; (b) the letter of credit contains an “evergreen” clause, which automatically renews the letter of credit unless the issuer of the letter of credit notifies the employee leasing company and the Department within sixty (60) days of the decision not to renew; (c) the letter of credit is issued by a financial institution authorized to do so under applicable state or federal banking laws.

Specific Authority 468.522, 468.525(3)(d) FS. Law Implemented 468.525(3) FS. History—New 9-6-93, Amended 5-29-94, 5-26-96, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Definitions 61G7-6.001

PURPOSE AND EFFECT: This rule is being amended to remove definitions which are no longer necessary and to add definitions that are necessary and to clarify other definitions relative to the rule.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 468.520, 468.522, 468.525 FS.

LAW IMPLEMENTED: 468.520, 468.522, 468.525(4),(4)(b), 468.529(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: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-6.001 Definitions.

To enable the Board and the Department to administer Part XI of Chapter 468, F.S., the Board hereby interprets the following terms as used in the definition of employee leasing as follows:



~~(1) “Actively involved” as used in s. 468.520(7), F.S., to determine whether an entity is an employee leasing company, the Board interprets actively involved to mean the actual exercise of duties on behalf of an employee leasing company. Any natural person who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of any employee leasing company, through direct or indirect control of 50 percent or more of the voting securities of an employee leasing company, is deemed actively involved.~~

~~(2) “Employment responsibilities” as used in s. 468.525(4), F.S., means all those responsibilities generally incumbent on an employer, including payment of wages and taxes and the right to hire, direct, control, discipline, and terminate employees.~~

~~(1)(3) “Full Responsibility” as used herein to determine whether an employee leasing company’s contractual arrangements comply with the conditions as set forth in s. 468.525(4), F.S., means complete and total responsibility for the collection of and payment of all payroll taxes on payroll reported to and paid by the employee leasing company, which are payable to the Internal Revenue Service and/or to the State of Florida for services performed by leased employees as leased employees.~~

~~(2)(4) “Health benefits or health plan,” as used in Section 468.529, F.S., means provision of comprehensive major medical health benefits.~~

~~(3)(5) “Intangible assets” as used herein to enable initial applicants to properly report their financial assets to meet the requirements for licensure, means assets that lack physical substance. The value of intangible assets is generally based on the value of the rights inherent in them or results from allocation of costs incurred to future periods, in which case they have no realizable or recoverable value outside of their ability to benefit future earnings in the normal course of operations. Intangible assets are normally subject to amortization. Examples of intangible assets include goodwill, copyrights, trademarks, patents, organization costs, deferred costs, client enrollment costs, and excess of assets acquired over purchase price.~~

~~(6) “Long-term ongoing nature” means a situation where a client company and an employee leasing company arrange for leased employees to do more than supplement the client company’s workforce in special work situations, such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects. This definition in no way is meant to alter the concept of at-will employment.~~

~~(4)(7) “Primarily responsible” as used in Section 468.529(1), F.S., means that the admitted carrier is liable for all claims incurred under the plan of insurance during its effective period, regardless of any reimbursement or indemnification agreement between the licensed employee leasing company and the carrier. Any reimbursement or~~

indemnification agreement between the employee leasing company and the admitted insurance carrier shall not limit or diminish the carrier’s primary responsibility for its obligation under the health plan for the payment of claims incurred or the provision of benefits under the health plan.

~~(5)(8) “Shared responsibility” as used in Section 468.525(4)(a), F.S., means that the client company exercises such right of direction and control over the leased employee as is necessary to conduct its business and without which the client would be unable to conduct its business, discharge any fiduciary responsibility which it may have, or comply with any applicable licensure, regulatory, or other responsibilities the client company may have.~~

~~(6)(9) “Tangible accounting net worth” means net worth presented in accordance with generally accepted accounting principles (as defined in Rule 61H1-20.007, F.A.C., incorporated herein by reference and effective 4-24-01) reduced by the aggregate amount of intangible assets.~~

~~(7)(10) “Temporary” as used in subsection 468.520(4), F.S., means a situation in which leased employees are not needed on a long-term, ongoing basis, but rather are only needed to support or supplement the client company’s work force in special work situations, such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects, for a period not to exceed one year.~~

~~(8) “Reserves a right of direction an control over leased employees assigned to the client’s location” does not require the actual exercise of such direction and control by the employee leasing company at the jobsite at which or from which leased employees work. The client shall be allowed to exercise such direction and control as may be allocated to the client, in writing, and in conformity with Florida law.~~

~~(9) “Retains authority to hire, terminate, discipline, and reassign the leased employees” does not require the actual exercise of such authority by the employee leasing company at the jobsite at which or from which the leased employees work. The client shall be allowed to exercise such authority as may be allocated to the client, in writing, and in conformity with Florida Law.~~

~~(10) Retains a right of discretion and control over management of safety, risk, and hazard control at the worksite or sites affecting its leased employees, including:~~

~~(a) Responsibility for performing safety inspections of client equipment and premises.~~

~~(b) Responsibility for the promulgation an administration of employment and safety policies.~~

~~(c) Responsibility for the management of workers’ compensation claims, claims filings, and related procedures, does not require the actual exercise of such direction an control by the employee leasing company at the worksite at which or from which the leased employees work. The client shall be~~

allowed to exercise such direction and control as may be allocated to the client, in writing, and in conformity with Florida law.

(11) "Assumes responsibility for the payment of wages" as used in Section 468.525(4)(b), F.S., means the obligation of the employee leasing company to comply with the terms of the employment established by the employee leasing company with an employee relating to the payment of wages of the employee. The term does not include any obligation on the part of the employee leasing company to assume any contractual obligation which may exist between a client of an employee leasing company and any leased employee, or any other compensation or benefit, in any form, unless the employee leasing company specifically adopts such obligations by way of a written agreement entered into with the leased employee.

Specific Authority 468.520, 468.522, 468.525 FS. Law Implemented 468.520, 468.522, 468.525(4), 468.529(1) FS. History—New 7-20-92, Formerly 21EE-6.001, Amended 9-14-93, 10-24-94, 7-18-95, 4-26-01, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLE: RULE NO.:

Disciplinary Guidelines; Range of Penalties 61G7-7.001

PURPOSE AND EFFECT: The Board is reviewing this rule to determine if changes are necessary at this time.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties.

SPECIFIC AUTHORITY: 468.522, 468.530(4) FS.

LAW IMPLEMENTED: 455.227, 468.531, 468.532 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLE: RULE NO.:

Advertising 61G7-11.001

PURPOSE AND EFFECT: This rule is being amended to add the advertising medium of internet websites.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 468.522, 468.530(4) FS.

LAW IMPLEMENTED: 468.530(4) 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: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-11.001 Advertising.

(1) through (h) No change.

(i) Any employee leasing company official website.

(2) through (3) No change.

Specific Authority 468.522 FS. Law Implemented 468.530(4) FS. History—New 11-8-00, Amended 3-28-95, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLE: RULE NO.:

Contractual Requirements 61G7-12.001

PURPOSE AND EFFECT: This rule is being amended to correct the reference to the Division of Workers' Compensation.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 468.522, 468.525(4) FS.

LAW IMPLEMENTED: 468.525(4) 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: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-12.001 Contractual Requirements.

In order to meet the requirements of Section 468.525(4), F.S., the employee leasing company's contractual arrangement with its client must provide for the right of both the employee leasing company and its assigns to conduct an annual onsite physical examination of the client who is or was subject to an

applicable employee leasing contractual relationship. The purpose of this examination is to aid in the determination of proper workers' compensation classifications of leased employees and to aid in the determination of payroll amounts paid to such leased employees. Such examination shall allow for both the employee leasing company and its assigns to conduct audits of the client for the purposes set forth above to the extent set forth in Section 440.381, F.S., and the rules promulgated thereto by the Department of Financial Services, Division of Workers' Compensation Insurance and the Department of Labor and Employment Security.

Specific Authority 468.522, 468.525(4) FS. Law Implemented 468.525(4) FS. History--New 11-8-00, Amended \_\_\_\_\_.

**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 Medicine**

RULE TITLE: Continuing Education Requirements  
 RULE NO.: 64B8-52.001

PURPOSE AND EFFECT: The Council and Board proposes the rule amendment to update biennial continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment specifies the requirements for courses in prevention of medical errors and blood-borne diseases.

SPECIFIC AUTHORITY: 478.43(4), 478.50(2),(4)(a),(b) FS.

LAW IMPLEMENTED: 478.50(4)(a),(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-52.001 Continuing Education Requirements.

(1) through (2) No change.

(3) Those persons certified for licensure during the second year of a biennium are exempt from the continuing education requirements for their first renewal except for the two hour prevention of medical errors course required by Section

456.013, F.S., and subsection 64B8-52.003(4), F.A.C., and the two hour blood-borne disease course including one hour on HIV/AIDS education as required by subsection 64B8-52.003(3), F.A.C. Continuing education requirements must be met for each biennium thereafter.

Specific Authority 478.43(4), 478.50(2),(4)(a),(b) FS. Law Implemented 478.50(4)(a),(b) FS. History--New 6-1-93, Formerly 21M-77.001, 61F6-77.001, Amended 5-11-95, Formerly 59R-52.001, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Requirements for Approval of Continuing  
 Education Courses for Laser and  
 Light-Based Removal or Reduction  
 RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The Council and Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Compliance with the requirements for holding a facility license and Department of Health inspection sheets, as outlined in paragraph 64B8-51.006(3)(g), F.A.C.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE TITLE: Records of Drugs, Cosmetics and Devices  
 RULE NO.: 64F-12.012

PURPOSE AND EFFECT: Prescription drug wholesalers and pharmacies or other end-users of prescription drugs have expressed a concern how to comply with the pedigree paper recordkeeping requirements for prescription drugs, in particular prescription drugs that are on the specified drug list. This proposed will with provide guidance to the industry for preparing and passing on pedigree papers for the subsequent wholesale distribution of a specified prescription drug that has been returned to a wholesaler by an end-user.

SUBJECT AREA TO BE ADDRESSED: Pedigree paper recordkeeping requirements for a specified prescription drug that has been returned to a wholesaler by an end-user in accordance with the requirements of Section 499.0121(6)(e), F.S.

SPECIFIC AUTHORITY: 499.0121, 499.05 FS.

LAW IMPLEMENTED: 499.0121 FS.

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

TIME AND DATE: February 12, 2004, beginning upon adjournment of the Drug Advisory Council Meeting, but no earlier than 11:00 a.m. The workshop is scheduled for 1 and 1/2 hours.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301 (Capital Circle Office Complex), Tallahassee, Florida

If special accommodations are needed to attend this meeting because of a disability, please contact: Maxine Wenzinger, (850)487-1257, Ext. 205.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra\_stovall@doh.state.fl.us

The preliminary text will be available on the Department's website by February 6, 2004, www.doh.state.fl.us/pharmacy/drugs and accessing the What's Hot link.

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

## Section II Proposed Rules

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

#### Division of Florida Highway Patrol

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Speed Measuring Devices	15B-2
RULE TITLES:	RULE NOS.:
Approval Requirements	15B-2.007
Requirements for Type Acceptance	15B-2.008
Minimum Design Criteria for Radar Units	15B-2.0082
Test to Determine Speed Accuracy of Doppler Radar Devices	15B-2.009
Test to Determine Speed Accuracy of Visual Average Speed Computer Devices	15B-2.010
Tests to Determine Speed Accuracy of Average Speed Calculators	15B-2.0101
Certified Operator of Visual Average Speed Computer Device	15B-2.0102

Tests to Determine Accuracy of Speedometer Devices	15B-2.011
Tests to Determine Accuracy of Time Measurement Devices	15B-2.012
Approved Speed Measuring Devices	15B-2.013
Minimum Design Criteria for Laser Speed Measurement Devices	15B-2.014
Checks to Determine Speed and Distance Accuracy of Laser Speed Measuring Devices	15B-2.015
Tests to Determine Accuracy of Laser Speed Measuring Devices	15B-2.016

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to revise operator training requirements; revise requirements for type acceptance; re-designate visual average speed devices as Average Speed Calculators (ASC); revise testing accuracy, and operation requirements for ASC, as well as, radar and laser devices; add provisions for distance measurement in using ASE; revise speedometer testing and provide such testing for motorcycles; allow accuracy tests of electronic stop watches to be performed by certified electronics technicians meeting the requirements of paragraph 15B-2.009(1)(a), F.A.C.; revise test speeds for radar bench tests; permit radar daily tests to be performed with tuning forks meeting manufacturer's specifications; update list of approved speed measuring devices; amend minimum design criteria for LSMD and correct a typographical error in paragraph 15B-2.016(2)(b), F.A.C.

SUMMARY: The proposed rule action allows accuracy tests of stop watches used by the department to be performed by certified electronics technicians meeting the requirements of paragraph 15B-2.009(1)(a), F.A.C., as well as, jewelers and watch repair-smiths. This proposed rule action also updates the list of approved speed measuring devices approved by the department for use in this State to include the recently approved radar units and laser speed measuring devices. "VASCAR" is re-designated a "ASC" with attendant changes to testing and operator certifications for such units. Form HSMV 61070 is revised to add higher target speeds. The daily tuning fork test is revised to permit test of a tuning fork meeting manufacturer's specifications. Revisions are made to clarify sight testing for laser devices. The reference to an erroneous sub-section in paragraph 15B-2.016(2)(b), F.A.C., is corrected. Operator training; type acceptance; accuracy checks, bench tests, minimum design criteria are revised for speed measurement devices (SMD).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The costs of the rule actions to the agency will be those normally associated with the administrative processing of rulemaking activity. The erection of new Laser test markers will be approximately \$200 (\$100 each). The proposed rule action will have minimal impact on small entities.

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: 316.1905 FS.

LAW IMPLEMENTED: 316.1905, 316.1906 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: Lt. James D. Wells, Jr., Bureau of Law Enforcement Support Services, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-5799

THE FULL TEXT OF THE PROPOSED RULES IS:

15B-2.007 Approval Requirements.

(1) All speed measuring devices to be used in obtaining evidence of motor vehicle speeds for use in any court in the State of Florida shall be of a type approved by the Department of Highway Safety and Motor Vehicles prior to their use.

(2) In addition, evidence of the speed of a vehicle measured by any radar speed measuring device (RSMD), ~~or~~ laser speed measuring device (LSMD) or Average Speed Calculator (ASC), is inadmissible in any proceeding with respect to an alleged violation of provisions of law regulating the lawful speed of vehicles unless such evidence of speed is obtained by a law enforcement officer who:

(a) 1. Operators of RSMD's must have ~~Has~~ satisfactorily completed the RSMD training course or speed measurement device (SMD) course established by the Criminal Justice Standards and Training Commission pursuant to s. 943.17, F.S. ~~In addition, operators of a LSMD must complete the LSMD operator's course pursuant to s. 943.17, F.S.~~

2. Operators of LSMD's must have satisfactorily completed the LSMD training course or speed measurement device (SMD) course established by the Criminal Justice Standards and Training commission pursuant to s. 943.17, F.S.

3. Beginning July 1, 2004 new operators of ASC devices must complete the ASC training course or speed measurement device (SMD) course established by the Criminal Justice Standards and Training Commission pursuant to s. 943.17, F.S. Operators of ASC devices similar to the VASCAR and Kustom Tracker must complete additional clocks using each of their five basic clocking methods.

4. After July 1, 2004, new operators of RSMD's, LSMD's and ASC's must complete the Speed Measurement Device training course established by the Criminal Justice Standards and Training Commission pursuant to s. 943.17, F.S.

(b) Has made an independent visual determination that the vehicle is operating in excess of the applicable speed limit.

(c) Has written a citation based on evidence obtained from a RSMD or LSMD when conditions permit the clear assignment of speed to a single vehicle.

(d) Is using a RSMD which has no automatic speed locks and no audio alarms, unless disconnected or de-activated. This requirement is not applicable to a LSMD.

(e) Is operating a RSMD with audio Doppler engaged. This requirement is not applicable to a LSMD.

(f) Is using a RSMD, ~~or~~ LSMD, ASC or other SMD that meets the minimum design criteria set forth in these rules.

(g) ~~Who is~~ is operating a RSMD tested according to Rule 15B-2.009, F.A.C., or a LSMD tested according to Rule 15B-2.016, F.A.C.

Specific Authority 316.1905, 316.1906 FS. Law Implemented 316.1905, 316.1906, 943.17 FS. History--New 9-11-78, Amended 7-12-82, Formerly 15B-2.07, Amended 11-16-92, 10-18-94, \_\_\_\_\_

15B-2.008 Requirements for Type Acceptance.

(1) Manufacturers of Doppler radar speed measuring devices (RSMD) shall submit a copy of a Federal Communications Commission (FCC) type acceptance certificate and other supporting documentation and components as requested by the Department, to the Department for each model to be used in Florida. The device must also appear on the current International Association of Chiefs of Police (IACP) consumer products list, which is incorporated by reference. The IACP criteria (Model Minimum Performance Standards identified in subsection 15B-2.0082(1), F.A.C.) and listing may be obtained by contacting that office at 515 North Washington Street, Alexandria, Virginia 22314, 1(800)843-4227. The absence of an "F" designation on the consumer product list does not disqualify the model for use in Florida. Copies of this material may be obtained by contacting the Department of Highway Safety and Motor Vehicles, Division of Florida Highway Patrol, ~~Telecommunications Administrator~~, Neil Kirkman Building, Tallahassee, Florida 32399-0500.

(2) Manufacturers of ~~visual~~ Average Speed Calculators (ASC) devices shall submit a report by an independent testing laboratory certifying that each model meets the following conditions:

(a) ~~Determines Computer~~ the speed of a ~~checked~~ vehicle ~~after measuring the distance~~ between any two points on a highway traveled by the vehicle regardless of whether the distance is input with an ASC measured distance or the distance is known and input by the ASC operator, and the time required for the vehicle to travel that distance.

~~(b) Use solid state digital techniques for distance and the time storage, and for speed computation.~~

~~(b)(e)~~ Display the speed in digital characters at least 0.4 inch in height.

~~(c)(d)~~ The calculator Computers shall input distance (whether by ASC measurement or by operator entry of a known distance) and measure time and distance in increments

for speed computation which shall give an accuracy of plus or minus two (2) miles per hour over an indicated speed range of twenty-five (25) to one hundred (100) ~~ninety (90)~~ miles per hour with ambient temperatures of twenty (20) to one hundred (100) degrees Fahrenheit.

~~(d)~~~~(e)~~ Have a distance storage capacity of at least one (1) ~~five (5)~~ miles.

~~(e)~~~~(f)~~ Have a time storage capacity of at least five (5) ~~six (6)~~ minutes.

~~(f)~~~~(g)~~ Reuse a single distance measurement with repeated time input measurements.

~~(g)~~~~(h)~~ Display an error signal and not operate if either the distance or storage register receives more than one input after being reset to zero.

~~(h)~~~~(i)~~ Be suitable for installation or use in a variety of makes and models of vehicles or aircraft normally used by law enforcement agencies.

(3) Motor vehicle speedometers shall have a certificate indicating that the device was tested by a speedometer testing shop according to Rule 15B-2.011, F.A.C.

(4) Stop watches shall have a certificate indicating that the device was tested ~~by a jeweler or watch repair smith~~ according to Rule 15B-2.012, F.A.C.

(5) Laser speed measuring devices (LSMD) that meet the criteria set forth in Rule 15B-2.014, F.A.C., constitute a type of speed measuring device that may be used in this state.

Specific Authority 316.1905 FS. Law Implemented 316.1905 FS. History--New 9-11-78, Formerly 15B-2.08, Amended 11-16-92, 10-18-94, \_\_\_\_\_.

15B-2.0082 Minimum Design Criteria for Radar Units.

(1) Radar speed measuring devices shall meet the design criteria as set forth in Chapter 3, Subpart A (s. 1221.1-1221.4 and Subpart B (s. 1221.11-1221.24) of the National Highway Traffic Safety Administration Technical Report, January 1994, D.O.T. HS 808-69, entitled, "Model Minimum Performance Specifications for Police Traffic Radar Devices", which is incorporated by reference. Copies of this material may be obtained by contacting the Department of Highway Safety and Motor Vehicles (DHSMV), Division of Florida Highway Patrol, ~~Telecommunications Administrator~~, Neil Kirkman Building, Tallahassee, Florida, 32399-0500, or the Office of Law Enforcement Standards, c/o National Institute of Standards and Technology, 100 Bureau Drive, Stop 8102, Gaithersburg, Maryland 20899-08102 National Technical Information Service, Springfield, Virginia 22161.

(2) All radar units used in this State on or after January 1, 1995, shall be designed to operate in one or both of the following frequency ranges as assigned by the Federal Communication Commission for operation of Doppler radar radiolocation units.

24.050 – 24.250 GHz (K – Band) (Common)  
33.400 – 36.000 GHz (Ka – Band) Referrals)

The radar must have a doppler audio operating in the range 300 Hz to 4.0 KHz.

(3) Antenna beam width, defined as the total included angle between 3 dB points on the main lobe of the emitted farfield microwave power beam in any axis perpendicular to the centerline of beam propagation, shall not exceed 12 degrees plus or minus 1.5 degrees for manufacturing tolerance and measurement error. Side lobes, as defined in s. 1221.4 of the Model Minimum Performance Specifications for Police Traffic Radar shall be of relative gain of at least 20 dB less than the main antenna beam.

(4) All radar units furnished for vehicular-mounted use which have antennas designed to permit external mounting, shall be weather resistant.

(5) Each radar unit shall be designed to incorporate no speed lock function, manual or automatic, for patrol or target speeds displayed on the primary readout; a secondary target speed window, capable of manual lock-in target speed only, is permissible providing that lock-in of the secondary target speed window display has no effect on the continuous tracking of target and patrol speeds indicated by the primary readout and provided that the secondary target speed window display, if furnished, is automatically cleared within a period not to exceed fifteen (15) minutes after locking of any speed indication or when reconnected to the primary readout element. The secondary target speed window display, if furnished, must exactly duplicate the target speed on the primary readout at the instant of manual lock-in and must have its own lock-release control for clearing prior readings when the operator does not connect the secondary target speed window display.

(6) Each radar unit, ~~excluding hand held radar~~, shall be equipped with a control capable of adjusting its nominal range of acquiring and displaying the a speed reading of a full-size automobile ~~target~~ between 300 feet minimum and 3,000 feet maximum from the radar antenna. This range control is optional on a handheld radar unit.

(7) Signal Processing Channel Sensitivity

(a) Stationary Mode Target Channel Sensitivity. When the radar unit is operated in the stationary mode, its signal processing channel sensitivity shall not vary more than 10 dB for targets traveling at speeds of 35 to 90 mph (56 to 144 km/h) nor more than 5 dB for targets traveling at speeds of 60 to 90 mph (96 to 144 km/h).

(b) Moving Mode Target Channel Sensitivity. When the radar unit is operated in the moving mode at 25 mph (40 km/h), its signal processing channel sensitivity shall not vary more than 10 dB for targets traveling at speeds of 40 to 90 mph (64 to 144 km/h). When operated at 50 mph (80 km/h), its sensitivity shall not vary more than 5 dB for targets traveling at speeds of 60 to 90 mph (96 to 144 km/h).

(8) Patrol channel dynamic range; for moving mode operation. The patrol channel shall be capable of accurately displaying patrol car speed within plus or minus one (1) mph

(1.6 km/h) or less from 15 mph to 70 mph (24 to 112 km/h) or greater and of maintaining proper performance while the patrol car changes speed at a rate of up to 3 mph (4.8 km/h) per second.

(9) The internal circuit test function required by Section 1221.21(d) of the Model Minimum Performance Specifications for Police Traffic Radar shall operate automatically upon turn-on of the radar unit, and automatically thereafter at intervals not exceeding fifteen minutes; ~~the internal test function must be performed using two separate and independent frequency sources, only one of which may be employed in normal target or patrol channel signal processing operation. The second frequency source need not be excluded from use in computer and microprocessor operations other than signal counting or signal timing.~~ Failure of the radar unit to display correctly any reading produced by the internal test function shall inhibit any further target signal processing and shall provide a visible display indicating this condition to the operator. A control switch or pushbutton shall be provided for operator use to initiate the internal test function at any time between automatic test sequences.

(10) For the purpose of avoiding possible erroneous target speed displays caused by radio frequency interference (RFI) signals in excess of those specified in Sections 1221.22(c) and (d) of the Model Minimum Performance Specifications for Police Traffic Radar Devices, each radar unit will be equipped with a RF sensor capable of detecting the presence of such interfering RF signals and of inhibiting any speed display when such signals are present.

(11) To accommodate digital counting circuits and to assure that no target vehicle driver is penalized, target channel circuits for moving and stationary operation shall be designed to truncate, or round-off, to the next lower digit. In the moving mode operation, the radar counting circuits shall round-off to the next lower digit in all computations.

(12) Power density shall not exceed applicable RF emission standards recognized by the American National Standards Institute C95.1, which is incorporated by reference. The actual reading shall be recorded on form HSMV 61070 (Rev. 7/03 9/94), incorporated by reference. Blank forms are and obtainable by contacting the Department at the address described in subsection 15B-2.0082(1)(2), F.A.C.

(13) When an Average Speed Calculator (ASC) is installed and used as a separate feature of a RSMD, the ASC feature must be certified separately and in addition to the RSMD under paragraph 15B-2.008(2)(d), F.A.C.

Specific Authority 316.1906 FS. Law Implemented 316.1906 FS. History—New 7-12-82, Formerly 15B-2.082, Amended 1-1-90, 10-18-94, \_\_\_\_\_.

15B-2.009 Test to Determine Speed Accuracy of Doppler Radar Devices.

(1)(a) All RSMD's used in this state shall be subject to periodic bench tests at intervals not to exceed six months, to be conducted by an electronic technician who has a Federal

Communications Commission, General Radiotelephone Operator License or a certification issued by one of the following:

1. Association of Public-Safety Communications Officials-International (APCO);
2. Personal Communications Industries Association (PCIA), formerly known as National Association of Business and Educational Radio (NABER); or
3. National Association of Radio and Telecommunications Engineers (NARTE).

(b) Only the most recent six (6) months test certificate is required in order to establish the presumption available under Section 316.1905(3)(b), F.S. Tests will include transmitter frequency, display response to known antenna input signals for simulated target speeds over a range of speeds from 15 mph to 100 mph and patrol speeds over a range of speeds from 15 mph to 70 mph, the operation of all controls, tests for recertification of the all tuning fork(s) meeting furnished by the manufacturer's specifications, radio frequency interference, low supply voltage, and antenna power density. These revised tests shall become effective after June 30, 2004 ~~October 18, 1994~~, upon the expiration of each radar unit's prior six-month certification period. Each test shall be recorded on Form HSMV 61070 (Rev. 7/03 9/94) which is incorporated by reference. Blank forms are and, which is available by contacting the Department at the address described in subsection 15B-2.0082(1)(2), F.A.C. As a condition of purchase, manufacturers shall be required to make known to the purchaser the availability and location of manufacturer-supported test facilities to accomplish the required tests.

(2) Prior to an operator using a radar for enforcement activity and subsequent to the last enforcement action taken using an RSMD, but prior to the end of each shift in which the RSMD was used at the end of the operator's shift the following accuracy checks shall be made.

(a) An internal accuracy check shall be performed, and the check is passed only if the proper numbers recommended by the manufacturer appear exactly on the radar readout.

(b) The external tuning fork accuracy check shall be made with certified tuning fork(s) (plus or minus one (1) mile per hour tolerance) meeting furnished by the manufacturer's specifications.

(c) A written log of each internal and external tuning fork accuracy check(s) shall be maintained. Log forms may be of a design suitable to the particular needs of the operator's jurisdiction.

(3) When an Average Speed Calculator (ASC) is installed and used as a separate feature of a RSMD, the ASC feature must be certified separately and in addition to the RSMD under paragraph 15B-2.008(2)(d), F.A.C.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History—New 9-11-78, Amended 7-12-82, Formerly 15B-2.09, Amended 6-12-89, 1-1-90, 10-18-94, 10-2-95, \_\_\_\_\_.

15B-2.010 Tests to Determine Speed Accuracy of Visual Average Speed Computer Devices.

Specific Authority 316.1905 FS. Law Implemented 316.1905 FS. History—New 9-11-78, Formerly 15B-2.10, Amended 10-18-94, Repealed \_\_\_\_\_.

15B-2.0101 Test to Determine Speed Accuracy of Visual Average Speed Calculators ~~Computer Devices Which Have a Self-Contained Time Base.~~

Tests to determine the accuracy of ~~visual Average Speed Calculators computer devices which have a self-contained time base~~ shall be performed as follows:

(1) ~~This subsection only pertains to ground vehicles which are inputting the distance used for speed measurement by use of the ASC distance measuring feature (if so equipped):~~

(a) ~~(+) A distance of 1/2 mile (2640 feet) or alternatively 1/4 mile (1320 feet) shall be measured. The operator shall measure one quarter of a mile, using a steel tape, and mark each end of the 1320-foot distance marked so that it may be clearly identified from a moving vehicle or aircraft in either direction.~~

(b) ~~(2) Vertical lines may be placed on left and right front door windows of the speed computer equipped vehicle, or the operator may use door lock knobs or other convenient visual reference points on his/her car.~~

(c) ~~(3) The operator will drive through the measured course with both switches turned “on” when lined up with the reference point at the beginning of the course, and turned “off” when similarly lined up at the end of the course. Operator pushes the distance recall button if so equipped, and reads displayed distance in the speed timing unit. If this distance is within the acceptable tolerance of 1/2 of 1%, the unit is in calibration.~~

Example: On a quarter of a mile course (0.2500) the reading should be between 0.2512 and 0.2488.

(d) ~~(4) Should the error be greater than 1/2 of 1% the operator should recalibrate his unit in accordance with the manufacturer’s instructions and repeat the procedure as outlined in Paragraph (3).~~

(2) A distance of 1/2 mile (2640 feet) should be input either by measurement or operator input. The method of input shall be consistent with the method to be used during the speed measurement. For example, if the distance at the enforcement site will use a distance measured with the ASC, then this calibration should be performed in a similar fashion. The timing device should be allowed to run for 30 seconds. A speed of 60 mph should be displayed. The test should be repeated with a time input of 20 seconds. A speed of 90 mph should be displayed. The speed displayed must be within +/- 2 m.p.h. for the unit to be considered accurate.

(3) As an alternative to (2) above, a distance of 1/4 mile (1320 feet) may be used. The distance should be input either by measurement or operator input. The method of input shall be consistent with the method to be used during the speed measurement. For example, if the distance at the enforcement site will use a distance measured with the ASC, then this calibration should be performed in a similar fashion. The timing device should be allowed to run for 15 seconds. A speed of 60 mph should be displayed. The test should be repeated with a time input of 10 seconds. A speed of 90 mph should be displayed. The speed displayed must be within +/- of 2 m.p.h. for the unit to be considered accurate.

~~(4)(5) Verification of calibration must be checked each day before any enforcement activity arrests are made with the device. The results of the verification test shall be recorded and retained for further reference.~~

~~(5)(6) If so equipped, an The internal time base will be checked the same as a stop watch under Rule 15B-2.012, F.A.C. every six months by use of a certified stop watch. Satisfactory test results will be within 1/2 of 1%.~~

Specific Authority 316.1905, 321.02 FS. Law Implemented 316.1905(3)(a) FS. History—New 6-15-82, Formerly 15B-2.101, Amended 10-18-94, \_\_\_\_\_.

15B-2.0102 Certified Operator of Visual Average Speed Computer Device.

Specific Authority 316.1905, 321.02 FS. Law Implemented 316.1905(3)(a) FS. History—New 6-15-82, Formerly 15B-2.102, Amended 10-18-94, Repealed \_\_\_\_\_.

15B-2.011 Tests to Determine Accuracy of Speedometer Devices.

Motor vehicle speedometer devices shall be tested by a speedometer testing shop or a motor vehicle repair shop prior to being put into use for speed enforcement and it shall be retested by a speedometer testing shop or a motor vehicle repair shop not less than once each six (6) months thereafter. All speedometer certifications shall be performed using a calibrated wheel dynamometer on which the wheels driving the speedometer are placed. Certain motorcycles which have the speedometer driven by the front wheel may require the use of a powered dynamometer. The calibration of a speedometer head alone, without the head being driven by the wheel from which it measures speed, will not be acceptable for the purposes of this rule. After September 1, 1994, all tested speedometers shall read within plus or minus three (3) mph of the actual reading and be tested by a speedometer shop or motor vehicle repair shop registered with the Florida Department of Agriculture and Consumer Services as a motor vehicle repair shop according to Sections 559.901-559.9221, F.S. The person making the tests shall issue a certificate dated, signed and witnessed showing the degree of accuracy. Only the most recent six (6) month test certificate is required in order to establish the presumption available under Section 316.1905(3)(b), F.S.



Specific Authority 316.1905, 321.02 FS. Law Implemented 316.1905(3)(a) FS. History—New 9-11-78, Formerly 15B-2.11, Amended 11-16-92, 10-18-94, \_\_\_\_\_.

15B-2.012 Tests to Determine Accuracy of Time Measurement Devices Stop Watches.

(1) Stop watches and analog measurement devices used in calculating speeds of motor vehicles shall be tested by a jeweler or watch repair-smith prior to being put into use and it shall be retested by a jeweler or watch repair-smith not less than once each six (6) months thereafter. The jeweler or watch repair-smith shall issue after each test, a certificate dated, signed and witnessed by the jeweler or watch repair-smith showing the degree of accuracy. Only the most recent six (6) month test certificate is required in order to establish the presumption available under Section 316.1905(3)(b), F.S.

(2) Electronic stop watches or electronic time based average speed calculators may be tested by a certified electronics technician meeting the requirements of paragraph 15B-2.009(1)(a), F.A.C. in the manner and within the time period described in subsection (1).

Specific Authority 316.1905 FS. Law Implemented 316.1905 FS. History—New 9-11-78, Formerly 15B-2.12, Amended 11-16-92, 10-18-94, \_\_\_\_\_.

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol Telecommunications Administrator, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of the additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

(a) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER;

(b) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER DUAL;

(c) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER DUAL SL;

(d) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER DUAL DSR;

(e) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER BASIC – stationary and moving;

(f)(~~d~~) Broderick Enforcement Electronic – Model BEE-36;

(g)(~~e~~) CMI/MPH Industries, Inc., – Model Python;

(h)(~~f~~) Decatur Electronics, Inc., – Model MVF 724;

(i)(~~g~~) Decatur Electronics, Inc., – Model KF-1;

(j)(~~h~~) Decatur Electronics, Inc. – Model Genesis-I;

(k) Decatur Electronics, Inc. – Model Genesis - II;

(l)(~~i~~) Decatur Electronics, Inc., – Genesis Handheld;

(m) Decatur Electronics, Inc., – Model Genesis VP

(n) Decatur Electronics, Inc., – Model Genesis VP – Directional

(o)(~~j~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model KR-10SP-F, Model KR-10SP;

(p)(~~k~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model FALCON-F, Model FALCON;

(q)(~~l~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model TROOPER-F, Model TROOPER;

(r)(~~m~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model HAWK;

(s)(~~n~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model PRO-1000, Model PRO-1000DS;

(t)(~~o~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle K-Band;

(u)(~~p~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle KA-Band;

(v)(~~q~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle Plus K-Band;

(w)(~~r~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle Plus KA-Band;

(x)(~~s~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Silver Eagle K-Band;

(y)(~~t~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Silver Eagle KA-Band;

(z)(~~u~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle K-Band;

(aa)(~~v~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle KA-Band;

(bb) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle Plus KA-Band;

(cc)(~~w~~) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model HR-12;

(dd) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Talon;

(ee) McCoy’s LAWLINE Speed Trak Elite K, Ka and Elite KD (directional);

(ff)(~~x~~) M.P.H. Industries, Inc., or CMI/MPH – Model K-15K “1986 Model”, Model K-15, Model K-15 II;

(gg) M.P.H. Industries, Inc., or CMI/MPH – Model MPH Speedgun (K-BAND);

(hh)(~~y~~) M.P.H. Industries, Inc., or CMI/MPH – Model K-55K; Model BEE-36;

(ii) M.P.H. Industries, Inc. or CMI/MPH – Model Bee III;

(jj) M.P.H. Industries, Inc., or CMI/MPH – Model Enforcer;

(kk)(~~z~~) Tribar Industries, Inc., – Model MDR-2;

(ll)(~~aa~~) Tribar Industries, Inc., – Model K-GP.

(2) ~~Visual Average Speed Calculators (ASC) devices:~~

(a) Federal Sign and Signal Corp., – VASCAR II;

(b) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Tracker;

(c) Traffic Safety Systems, Inc., – VASCAR-Plus;

(3) Speedometers – All mechanical or electronic motor vehicle speedometers having certified calibration pursuant to these rules.

(4) Stopwatches – All stopwatches certified pursuant to subsection 15B-2.008(4) and Rule 15B-2.012, F.A.C. Florida Administrative Code. The following stopwatches are approved for use in this State when they have been tested according to this rule Chapter. The absence on this list of other stopwatches used by other law enforcement agencies or the Florida Highway Patrol does not preclude their use when they have been properly tested.

Brand Name	Model Number
(a) Casio	HS-10W
(b) Timex Quartz Timer	None
(c) Heuer	1000
(d) Heuer	1010
(e) Seiko	S022-5009
(f) Accusplit	620-CT
(g) Minerva Manual Timer	None
(h) Seiko	87-0019G
(i) Aristo	Apollo
(j) Lorus	W903
(k) Marshall Browning International Corp.	Robic Acutrak SC-800

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

(a) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Prolaser II, Model ProLaser III;

(b) Laser Technology, Inc., – Model Marksman/LTI 20-20, Model Ultralyte LTI 20/20 Lidar, Model Ultralyte 100LR and 200LR, Model Ultralyte LR B;

(c) Applied Concepts, Inc., – Model Stalker Lidar;

(d) Laser Atlanta Optics, Inc., – Model Speed Laser.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History—New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, \_\_\_\_\_

15B-2.014 Minimum Design Criteria for Laser Speed Measurement Devices.

(1) Manufacturers of laser speed measurement devices (LSMD) shall submit a report to the Department by an independent testing laboratory certifying that each model meets the following minimum design criteria:

(a) The device shall measure transmitted and received light amplified by stimulated emission of radiation, otherwise known as LASER.

(b) The device determines the speed of vehicles by the pulse – echo method using the time of flight of a series of pulses of ~~infrared~~ laser light.

(c) The device shall use solid state digital techniques for distance and speed calculations.

(d) The device shall comply with the limits for a class A digital device as defined in 47 C.F.R. 15.3(h), which is incorporated by reference.

(e) The device is certified as a Class I (one) eye safe device according to the criteria established by the U.S. Department of Health and Human Services, Center for Devices and Radiological Health, Food and Drug Administration, Rockville, Maryland 20582, (21 C.F.R. 1040) which is incorporated by reference.

~~(f) Electromagnetic energy emitted from the device for purposes of measuring either target vehicle speed or range, shall be in the infrared portion of the electromagnetic spectrum.~~

~~(f)(g)~~ The device shall only transmit ~~infrared~~ light pulses when a finger operated trigger is pressed. When this trigger is released the device shall cease to transmit. The devices shall not have any method to lock the trigger in the transmit mode.

~~(g)(h)~~ The device shall be capable of measuring target vehicle speeds over the speed range of 5 mph to 100 ~~90~~ mph, with an accuracy of plus or minus 1 mph over this range.

~~(h)(i)~~ The device shall measure distances with an accuracy of plus or minus 1 foot, between 50 and 1000 feet, and display distances in feet.

~~(i)(j)~~ The device shall be capable of being converted to metric units for distance and speed by the manufacturer.

~~(j)(k)~~ The device shall be weather resistant.

~~(k)(l)~~ The device shall have a self test mode, which will operate automatically when the device is turned on, and when the self test is initiated by the operator. Self test shall verify that the computing and timing circuits are operating correctly, and ~~shall illuminate~~ all light emitting indicators so that the condition can be verified by the operator.

~~(l)(m)~~ The device shall truncate decimal values of the target speed display to produce whole number values.

~~(m)(n)~~ The device shall be capable of measuring both approaching and receding vehicles, and display a visual indication that differentiates direction.

~~(n)(o)~~ The device shall provide an audio tone indicating when a target vehicle has been acquired.

~~(o)(p)~~ The device shall meet all the minimum performance specifications over the manufacturers specified power supply voltage range of 10.8 volts to 16.3 volts, with a nominal power supply voltage being 13.6 volts. The device shall contain the following features related to the power supply circuitry:

1. A power supply on/off switch.
2. A visual indicator to allow the operator to determine that electrical energy is being supplied to the device.
3. A low voltage indicator that alerts the operator either visually or audibly of low voltage conditions, and automatically prevents operation.
4. Internal circuitry that protects against accidental reversal of power supply polarity.
5. An in-line fuse or equivalent mounted between the power supply and the device to prevent power surges in excess of 16.3 volts.

~~(p)(4)~~ The device shall detect spurious readings due to radio frequency interference and inhibit any speed display.

~~(q)(4)~~ The device shall be permanently marked with the functions and setting of all switches, controls and displays. It shall not be possible to set the controls to a functional mode of operation that is not marked or identified.

~~(r)(5)~~ The manufacturer shall permanently mark each device with the name of the LSMD model and the serial number for the specific LSMD.

~~(s)(4)~~ The manufacturer shall provide the procedures that verify the accurate alignment of the sighting element.

~~(t)~~ When an Average Speed Calculator (ASC) is installed and used as a separate feature of a LSMD, the ASC feature must be certified separately and in addition to the LSMD under paragraph 15B-2.008(2)(d), F.A.C.

(2) Beginning June 30, 2004, all new LSMD's sold in the state of Florida must meet all requirements of this chapter and:

(a) The Model Minimum Performance Specifications for Lidar Speed Measurement Devices, July 1, 2001, NHTSA document #DOT HS 809 239, which is incorporated by reference. This document is available by contacting the Office of Law Enforcement Standards, c/o National Institute of Standards and Technology, 100 Bureau Drive, Stop 8102, Gaithersburg, Maryland 20899-08102.

(b) Shall be restricted to reading vehicle speeds at a distance not greater than 3000 feet.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History--New 10-18-94, Amended \_\_\_\_\_.

15B-2.015 Checks to Determine Speed and Distance Accuracy of Laser Speed Measuring Devices.

(1) Prior to an operator using a LSMD; for enforcement activity and subsequent to the last enforcement action taken using a LSMD, but prior to the end of each at the completion of an operator's shift in which an LSMD was used,- (The following accuracy checks shall be performed and recorded into a written log. The log forms may be of a design that meets the needs of the particular law enforcement agency:

(a) Display Check – Activate the display test procedure to verify that all segments and other light indicators are functioning properly.

(b) Internal Accuracy Check – The internal accuracy check shall be made in accordance with the manufacturers specifications.

(c) Laser Distance/Alignment Check –

1. In a convenient location, establish two permanent known distances using a steel measuring tape or surveyor's instrument to check targets set at a distance of at least 100 feet and separated by at least 100 feet 50 and 100 feet. The targets shall be not more than three (3) feet square nor less than one (1) foot square, the center of which shall be mounted not less than three (3) feet nor more than nine (9) feet from ground level. Both targets must be clear of all obstructions from the measurement starting point.

~~2. The operator shall check the alignment both vertically and horizontally.~~

~~2.3. The operator shall align the device at the established starting point and take a measurement of both the two 50-foot and 100-foot check targets, to verify it's accuracy of plus or minus one (1) foot.~~

(d) Sight alignment check – Using a suitable target at least 200 feet away, check the site alignment according to the manufacturer's specifications both vertically and horizontally.

(2) Average Speed Calculators (ASC) installed as part of a LSMD shall be checked and operated as outlined in Rule 15B-2.0101, F.A.C. A written log shall be maintained. The log shall contain an entry for the accuracy checks (date and result of the check) performed at the beginning and end of each shift in which the LSMD is used. The written log forms may be of a design that meets the needs of particular jurisdictions.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History--New 10-18-94, Amended \_\_\_\_\_.

15B-2.016 Tests to Determine Accuracy of Laser Speed Measuring Devices.

(1) All LSMD used in this state shall be subject to periodic tests at intervals not to exceed six (6) months, to be conducted by a Florida registered professional engineer or by an electronic Technician who has a Federal Communication Commission, General Radiotelephone Operator License, or a certification issued by one of the following:

(a) Association of Public-Safety Communications Officials-International (APCO);

(b) Personal Communications Industries Association (PCIA), formerly known as National Association of Business and Education Radio (NABER); or

(c) National Association of Radio and Telecommunications Engineers (NARTE).

(2) Only the most recent six (6) month test certificate is required in order to establish the presumption available under Section 316.1905(3)(b), F.S. Tests will include:

(a) Bench Tests – Wavelength verification, optical power output, pulse repetition rate, pulse width, and verify that the pulse train is free of any double laser pulses or intermittent

laser pulses. The results of these tests shall conform with the safety report from the U.S. Department of Health and Human Services, Center for Devices and Radiological Health (CDRH), Food and Drug Administration (21 C.F.R. part 1040), which is incorporated by reference, and the manufacturer's specifications, both of which will be supplied by the manufacturer.

(b) Distance/Velocity – A complete verification test as described in paragraph 15B-2.015(1)(2)(a) through (c), F.A.C., and a Velocity Verification test certifying that the Laser Speed Output was compared to Actual Speed as verified by a certified radar device. The results of these tests will not be greater than plus or minus one (1) foot for the distance tests, and plus or minus one (1) mph for the speed test.

(c) Sight Alignment/Beam Pattern Test. The sighting device will be checked for accuracy to determine that it remains within the laser beam at all distances from 500-3000 feet. This may be determined from calculation based on an initial beam pattern/sight alignment analysis. The beam will be analyzed to determine that it is within the pattern/size tolerances specified by the manufacturer.

(d)(e) Each test shall be recorded on form HSMV 61071 (7/03 9/94) which is incorporated by reference. Blank forms are and is available by contacting the Department at the address described in subsection 15B-2.0082(1)(2), F.A.C.

(e) When an Average Speed Calculator (ASC) is installed and used as a separate feature of a LSMD, the ASC feature must be certified separately and in addition to the LSMD under paragraph 15B-2.008(2)(d), F.A.C.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History—New 10-18-94, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lt. James D. Wells, Jr., Bureau of Law Enforcement Support Services, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-5799.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Christopher A. Knight, Director, Division of Florida Highway Patrol

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2003

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

RULE TITLES:	RULE NOS.:
Purpose of Ambulatory Patient Data Reporting	59B-9.010
Definitions	59B-9.013
Schedule for Submission of Ambulatory Patient Data and Extensions	59B-9.014
Reporting Instructions	59B-9.015
Ambulatory Patient Data Format – Data Elements, Codes and Standards	59B-9.018
Ambulatory Patient Data Format – Record Layout	59B-9.019
Data Standards	59B-9.020

PURPOSE AND EFFECT: The proposed rule amendments require emergency department patient data reporting beginning January 1, 2005. The rule amendments add ambulatory data elements, modify ambulatory data elements and codes, modify ambulatory data formats, and eliminate data elements. The rule amendments require reporting by Internet transmission starting January 1, 2006 for emergency department patient data and other ambulatory patient data.

SUMMARY: The agency is proposing amendments to Rules 59B-9.010, 59B-9.013, 59B-9.014, 59B-9.015, 59B-9.018, 59B-9.019 and 59B-9.020, F.A.C., that require the reporting of emergency department data and modify other ambulatory patient data reporting requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063, 408.15(11) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING ON THE PROPOSED RULE AMENDMENT WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 24, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Beth C. Dye, Bureau Chief, State Center for Health Statistics, 2727 Mahan Drive, Mail Stop #16, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-9.010 Purpose of Ambulatory Patient Data Reporting. The reporting of ambulatory patient data will provide a statewide integrated database that includes of ambulatory surgery surgical procedures and hospital emergency

~~department services for the permit assessment of variations in utilization, disease surveillance practice parameters, access to ambulatory care and estimates of cost trends for ambulatory procedures.~~ The amendments appearing herein are effective with the reporting period starting January 1, ~~2005~~ 2003.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.010, Amended 6-29-95, 12-28-98, 2-25-02, \_\_\_\_\_.

#### 59B-9.013 Definitions.

(1) through (4) No change.

(5) “Visit” means a face to face encounter between a health care provider and a patient who is not formally admitted as an inpatient in an acute care hospital setting at the time of the encounter or who is not admitted to the same facility’s acute care hospital setting immediately following the encounter as described in subsection 59B-9.015(3), F.A.C. and who is not treated in the emergency room. Visits which require the patient to appear in an ambulatory setting prior to the actual procedure (even if this occurs one or more days before the procedure) shall be counted as one visit.

(6) No change.

(7) “Attending Physician” means a licensed medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner ~~physician~~ who has primary responsibility for the patient’s medical care and treatment during the visit or who certifies as to the medical necessity of the services rendered. The attending physician may be the ~~referring physician or the~~ operating or performing physician. The attending physician may be an emergency room physician or other specialist.

(8) “Operating or Performing Physician” means a licensed medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner ~~physician~~ who has primary responsibility for the surgery or procedure performed. The operating or performing physician may be the attending physician.

(9) “Other Physician” means a licensed medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who rendered care to the patient other than the attending physician or the operating or performing physician.

~~(10)(9)~~ “Short-Term Acute Care Hospitals” means a hospital as defined in Section 395.002(12), F.S.

Specific Authority 408.15(8) FS. Law Implemented 395.002, 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, \_\_\_\_\_.

#### 59B-9.014 Schedule for Submission of Ambulatory Patient Data and Extensions.

(1) ~~Ambulatory~~ All ambulatory centers reporting their ambulatory patient data shall report ambulatory patient data, as described in subsection 59B-9.015(2) and in the format set forth in Rule 59B-9.018 ~~59B-9.019~~, F.A.C., according to the following schedule:

(a) Each report covering patient visits ~~ending~~ occurring between January 1 and March 31, inclusive of each year, shall be submitted no later than June 10 of the calendar year during which the visit occurred.

(b) Each report covering patient visits ~~ending~~ occurring between April 1 and June 30, inclusive of each year, shall be submitted no later than September 10 of the calendar year during which the visit occurred.

(c) Each report covering patient visits ~~ending~~ occurring between July 1 and September 30, inclusive of each year, shall be submitted no later than December 10 of the calendar year during which the visit occurred.

(d) Each report covering patient visits ~~ending~~ occurring between October 1 and December 31, inclusive of each year, shall be submitted no later than March 10 of the calendar year following the year in which the visit occurred.

(2) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, ~~408.15(11)~~ ~~408.006(5)~~, 408.061 FS. History—New 9-6-93, Formerly 59B-7.014, Amended 6-29-95, \_\_\_\_\_.

#### 59B-9.015 Reporting Instructions.

(1) Ambulatory centers shall submit ambulatory patient data according to Rules 59B-9.018 ~~59B-9.018, 59B-9.019, and 59B-9.020~~, F.A.C.

(2) Ambulatory centers shall report data for:

(a) All for all non-emergency ~~room ambulatory or outpatient~~ visits in which surgery services were performed and the services provided correspond to a Current Procedural Terminology (CPT) ~~code~~ codes 10000 through 69999 or ~~and~~ 93500 through 93599. Codes must be valid in the current or the immediately preceding year’s code book to be accepted.

(b) All emergency department visits in which emergency department registration occurs and the patient is not admitted for inpatient care at the reporting entity. Include all visits for which a billing record is created.

(3) Ambulatory centers shall ~~exclude report one record for each patient per visit, excluding~~ records of any patient visit in which the outpatient and inpatient billing record is combined because the patient was transferred from ambulatory care and admitted to inpatient care within a facility at the same location per Rule 59A-3.203, F.A.C. If more than one visit for the same patient occurs on the same date, report one record which includes all required data for all visits of that patient to the ambulatory center occurring on that date. If more than one visit occurs on different dates by the same patient, Report report one record for each date of visit, except pre-operation visits may be combined with the record of the associated ambulatory surgery visit unless the dates of visits are directly associated to the service. See subsection 59B-9.013(5), F.A.C.

(4) For each patient visit, ambulatory centers shall report all services provided using procedural codes specified in subsection 59B-9.018(2), F.A.C. CPT or the Health Care Financing Administration Common Procedure Coding System (HCPCS) codes.

(5) Ambulatory Beginning with the report of patient visits occurring between January 1 and March 31, 2002, inclusive, and thereafter, ambulatory centers shall submit ambulatory patient data reports to the agency using one of the following methods described in (a) or in (b) below except that for patient visits ending on or after January 1, 2006, the methods described in (b) January 1, 2002, data tapes must not be used unless an exception is requested by the ambulatory center due to extraordinary or hardship circumstances and use of method (b) is approved by the agency. Use of method (a) must be approved by the agency for any patient visits ending prior to January 1, 2006.

(a) Internet Transmission. The Internet address established for receipt of ambulatory patient data is www.fdhc.state.fl.us. Reports sent to the Internet address shall be electronically transmitted with the ambulatory data in a text (XML) (ASCH) file using the Ambulatory Patient Data XML Schema available at www.fdhc.state.fl.us. The Ambulatory Patient Data XML Schema is incorporated by reference. The file shall contain a complete set of ambulatory patient data for the calendar quarter. Each record of the text file must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A'). The data in the text file shall contain the same data elements, elements and codes, the same record layout and meet the same data standards required for tapes or diskettes mailed to the agency as described in Rules 59B-9.018 59B-9.018, 59B-9.019 and 59B-9.020, F.A.C.

(b) Tapes, CD-ROM or diskettes shall be sent to the agency's mailing address: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308. Attention: State Center for Health Statistics. Electronic media specifications are:

1. Tape:
  - a. Density 1600 or 6250 BPI, 9 track
  - b. Collating Sequence EBCDIC or ASCH
  - c. Record Length 400 Characters, Fixed
  - d. Blocking Unblocked
  - e. Labeling No Label
2. Diskette and CD-ROM:
  - 1.a. MS-DOS formatted
  - 2.b. PC Text File (XML) using the Ambulatory Patient Data XML Schema available at www.fdhc.state.fl.us. (ASCH)
    - e. Record Length: Header Record 400 Characters, Ambulatory Data Record 400 Characters, Trailer Record 400 Characters. Carriage return and line feed are not included in the stated record length.
  - 3.d. Type: 3.5" diskette, 1.4MB, hd; or CD-ROM.

4.e. FILENAME: (e.g., AS10QYY.XML AS10QYY.TXT) The 5th position shall ~~should~~ contain the quarter (1-4) and the 6th and 7th position shall contain the year. XML TXT indicates an XML a text file.

f. Each record must be terminated with a carriage return of hex '0D' and line feed mark of hex '00A'.

5.g. Only one (1) file per diskette set or CD-ROM is allowable. Data requiring more than one diskette shall have the same internal file name. Data requiring more than one (1) diskette shall be externally labeled 1 of x, 2 of x, etc. (x = total number of diskettes).

(6) Ambulatory centers submitting diskettes tapes or diskettes, shall affix the following external identification, or for CD-ROM, use a standard CD-ROM external label with the following information:

- (a) Ambulatory center name.
- (b) AHCA ambulatory center identification number in the AHCA format.
- (c) Reporting period.
- (d) Number of records excluding the header record and the trailer record.
- (e) Tape Density: 1600/6250 BPI.
- (f) Tape Collating Sequence:
- (e)(g) Diskette or CD-ROM Filename as in subsection 59B-9.015(5) and Rule 59B-9.015, F.A.C., above.
- (f)(h) The description: "AMBULATORY PATIENT DATA"

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, 7-11-01, 2-25-02, \_\_\_\_\_

59B-9.018 Ambulatory Patient Data Format — Data Elements, Codes, and Standards Data Elements and Codes.

(1) Header Record: The first record in the data file shall be a header record ~~with a logical record length of 400 characters,~~ containing the following information described below in the prescribed format. This record must precede any documentation submitted for ambulatory patient data records. If diskettes are submitted, the header record must be placed as the first record on the first diskette of the data set. A header record must accompany each data set and must be placed as the first record on the first diskette of the data set.

DATA ELEMENT	DESCRIPTION
(a) Transaction Code	Enter Q for a calendar quarter report or S for a report period other than a calendar quarter where the special report is requested or authorized by the agency to receive data corrections "H" for header record in the first position.
(b) Report Reporting Year	Enter A 4 digit field specifying the year of the data in the format YYYY.
(c) Report Reporting Quarter	Enter A 1 digit field specifying the quarter of the data, 1,2,3 or 4, where 1 corresponds to the first quarter of the calendar year, 2

corresponds to the second quarter of the calendar year, 3 corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year, that the data pertains to:

- 1 = Jan. 1 through Mar. 31
- 2 = Apr. 1 through Jun. 30
- 3 = Jul. 1 through Sept. 30
- 4 = Oct. 1 through Dec. 31

(d) Data Type – Enter A required four character alphanumeric code. Use AS10 for Ambulatory Data.

(e) Submission Type – Enter I, R, or C where I indicates an initial submission of data or resubmission of previously rejected data, R indicates a replacement submission of previously processed and accepted ambulatory patient data, and C indicates an individual record correction or set of individual record corrections where submission of a correction or corrections is requested or authorized by the agency. A 4 character field for submission type: I = Initial. This is the first submission for the time period. All submissions which are not “I” will be “R” R = re-submission. This code is used to replace previously submitted records for the specified time period. All existing data for the time period will be deleted and replaced with the new data set.

(f) Processing Date – Enter MMDDYYYY, the date that the data file was created by the submitter in the format YYYY-MM-DD where MM represents numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits.

(g) AHCA Ambulatory Center Number – Enter the A 10 digit identification number of the ambulatory center as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight digits and no more than 10 digits. A numeric field, right justify.

(h) Florida License Number Zero fill for this header record only.

(i) Provider Medicaid Number A 10 digit number provided for Medicaid providers. If not a Medicaid provider, zero fill.

(j) Provider Medicare Number A 10 digit number provided for Medicare providers. If not a Medicare provider, zero fill.

(h)(k) Provider Organization Name – Enter the name of the ambulatory center that performed the ambulatory services represented by the data, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty character field. The name of the health care entity reporting the patient data records.

(i)(4) Provider Contact Person Name – Enter the name of the contact person at the ambulatory center. Submit name in the Last, First format. Up to a twenty-five character field. The name of the contact person at the health care entity providing the patient data records.

(j)(m) Provider Contact Person Telephone Number – The area code, business telephone number, and if applicable required, extension for the contact person at the health care entity providing the patient data records. Enter the contact person telephone number in the format (AAA)XXX-XXXX-EEEE where AAA is the area code, and EEEEE is the extension. Blank fill if no extension.

(k) Contact Person E-Mail Address – The e-mail address of the contact person.

(l) Contact Person Address – Enter the mailing address of the contact person. Up to a forty character field.

(m) Mailing Address City – Enter the city of the address of the contact person. Up to a twenty-five character field.

(n) Mailing Address State – Enter the state of the address of the contact person using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida.

(o) Mailing Address Zip Code – Enter the zip code of the address of the contact person in the format XXXXX-XXXX. Blank fill if no extension.

(n) Submitter Organization Name The name of the organization that produced the data file that is being submitted.

(o) Submitter Contact Person Name The name of the person at the submitting organization responsible for submitting the data file.

(p) Submitter Contact Person Telephone Number The area code, telephone number, and if required, extension for the contact person at the organization submitting the data file.

(q) Filler A field of 183 spaces, to be left blank.

(2) Individual Data Records: All data elements and data element codes listed below shall be reported consistent with the records of the reporting entity. Data elements and codes are listed with a description of the data to be reported and data standards.

DATA ELEMENT	DESCRIPTION
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(a) AHCA Ambulatory Center ID Number – An 8 digit ambulatory center identification number assigned by for AHCA for reporting purposes. The number must match the ambulatory center number recorded on the CD-ROM or diskette external label and header record. A valid identification number must contain at least eight digits and no more than 10 digits. A required entry.

(b) Record Identification Number – An alpha-numeric code containing standard letters or numbers assigned by the facility at the time of reporting as a unique identifier for each record submitted in the reporting period for each reporting period, to facilitate storage and retrieval of individual case records. Up to seventeen twelve characters. A required entry. Duplicate record identification numbers are not permitted.

(c) Patient Social Security Number – The social security number (SSN) of the patient who received treatment/services. A nine 9 digit field to facilitate retrieval of individual case records, to be used to track multiple patient visits readmissions,

and for medical epidemiological research. Reporting 00000000 is acceptable for newborns and infants up to 2 years of age who do not have a SSN. For patients not from the United States, use 55555555 if a SSN is not assigned. For those patients where efforts to obtain the SSN have been unsuccessful or where one is unavailable, and the patient is 2 years of age or older and not known to be from a country other than the United States, use 77777777. A required entry.

(d) Patient Race or Ethnicity Racial Background = Self-designated by the patient or patient’s parent or guardian except code 8 indicating no response may be reported where efforts to obtain the information have been unsuccessful. A required entry. Must be a A one digit code as follows:

1. 1 – American Indian or Alaska Native American Indian/Eskimo/Aleut.
2. 2 – Asian or Pacific Islander.
3. 3 – Black or African American.
4. 4 – White.
5. 5 – White Hispanic.
6. 6 – Black Hispanic.
7. 7 – Other. Use 7—Other (Use if the patient’s self-designated race or ethnicity patient is not described by the above categories. categories.)
8. 8 – No response. Use 8—No response (Use if the patient refuses or fails to disclose.)

(e) Patient Birth Date – The date of birth of the patient. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits MMDDYYYY An 8 digit field. Use 9999-99-99 where type of service is “2” and efforts to obtain the patient’s birth date have been unsuccessful. Age greater than 120 years is not permitted unless verified by the reporting entity. A birth date after the patient visit ending date is not permitted. A required entry.

(f) Patient Sex – The gender of the patient. A required entry. Must be a A one digit code as follows:

1. 1 – Male.
2. 2 – Female.
3. 3 – Unknown shall be reported where efforts to obtain the information have been unsuccessful or where the patient’s sex cannot be determined due to a medical condition. (Use if unknown due to medical condition.)

(g) Patient Zip Code – The five digit United States Postal Service ZIP Code of the patient’s permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry. A five digit zip code of the patient’s permanent address: XXXXX.

(h) Type of Service Code – A code designating the type of service, either ambulatory surgery or emergency department visit. A required entry. Must be a one digit code as follows:

1. 1 – Ambulatory surgery, as described in 59B-9.015(2)(a).

2. 2 – Emergency department visit, as described in 59B-9.015(2)(b).

(h) Patient Visit Date MMDDYYYY An 8 digit field.

(i) Principal Payer Code – Describes the primary source of expected reimbursement for services rendered. A required entry. Must be a A one character field using upper case as follows:

1. A – Medicare.
2. B – Medicare HMO.
3. C – Medicaid.
4. D – Medicaid HMO.
5. E – Commercial Insurance.
6. F – Commercial HMO.
7. G – Commercial PPO.
8. H – Workers’ Compensation.
9. I – CHAMPUS.
10. J – VA.
11. K – Other State/Local Government Govt.
12. L – Self Pay. No third party coverage. Self Pay (No third party coverage).
13. M – Other.
14. N – Charity.

15. O – KidCare. Includes KidCare (Report Healthy Kids, MediKids and Children’s Medical Services. Required for ambulatory visits occurring on or after January 1, 2003.)

16. P – Unknown. Unknown shall be reported if principal payer information is not available and type of service is “2” and patient status is “07”.

(j) Principal Diagnosis Code – The code representing the diagnosis chiefly responsible for the services performed during the visit. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is “1” indicating ambulatory surgery. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is “2” indicating an emergency department visit unless patient status is “07” indicating that the patient left against medical advice or discontinued care. A blank field is permitted if type of service is “2” and patient status is “07” consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM diagnosis code or valid ICD-10-CM diagnosis code for the reporting period. Inconsistency between the principal diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the principal diagnosis code and patient age must be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The ICD-9-CM codes(s). Enter the primary diagnosis related to the services provided. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros



that are not included in the valid code. Left-justified, space filled, no decimal. Make certain that blank spaces are not interspersed between codes.

(k) through (n) Other Diagnosis Code (1), Other Diagnosis (2), Other Diagnosis (3), Other Diagnosis (4), Other Diagnosis (5), Other Diagnosis (6), Other Diagnosis (7), Other Diagnosis (8), Other Diagnosis (9) Codes – A code representing a diagnosis related to the services provided during the visit. If no principal diagnosis code is reported, an other diagnosis code must not be reported. No more than nine other diagnosis codes may be reported. Less than nine entries or no entry is permitted consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. Inconsistency between the diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the diagnosis code and patient age must be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The ICD-9-CM codes(s). Enter all other diagnoses related to the services provided. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Left-justified, space filled, no decimal, includes E-codes. Make certain that blank spaces are not interspersed between codes.

(l)(o) Principal Primary CPT or HCPCS Procedure Code – A code representative of the services provided or procedures performed. Must contain a valid CPT code between 10000 and 69999, inclusive, or between 93500 and 93599, inclusive if type of service is “1” indicating ambulatory surgery. Must contain a valid HCPCS or CPT evaluation and management code if type of service is “2” indicating an emergency department visit and patient status is not “07.” Must contain a valid HCPCS or CPT evaluation and management code, or a blank field, consistent with the records of the reporting entity, if type of service is “2” indicating an emergency department visit and patient status is “07” indicating that the patient left against medical advice or discontinued care. If not space filled, must contain a valid CPT or HCPCS procedure code. Inconsistency between the principal procedure code and patient sex must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be five digits and valid for the reporting period. The CPT codes(s). Enter the primary procedure codes for services provided. Enter five digits. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year’s code book to be accepted. This code is directly related to the primary diagnosis.

(p) Primary Procedure Modifier Code (Optional) The CPT modifier code. Enter primary procedure modifier.

(q) Primary Procedure Modifier Code (Optional) The CPT modifier code. Enter primary procedure modifier.

(m)(r) Other CPT or HCPCS Procedure Code (1), Other CPT or HCPCS Procedure Code (2), Other CPT or HCPCS Procedure Code (3), Other CPT or HCPCS Procedure Code (4), Other CPT or HCPCS Procedure Code (5), Other CPT or HCPCS Procedure Code (6), Other CPT or HCPCS Procedure Code (7) Other CPT or HCPCS Procedure Code (8), Other CPT or HCPCS Procedure Code (9) – A code representing a procedure or service provided during the visit. If no principal CPT or HCPCS procedure is reported, an other CPT or HCPCS procedure code must not be reported. No more than nine other CPT or HCPCS procedure codes may be reported. Less than nine entries or no entry is permitted consistent with the records of the reporting entity. If not space filled, must be a valid CPT or HCPCS code. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be five digits and valid for the reporting period. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year’s code book to be accepted.

(s) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (r) modifier.

(t) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (r) modifier.

(u) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year’s code book to be accepted.

(v) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (u) modifier.

(w) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (u) modifier.

(x) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year’s code book to be accepted.

(y) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (x) modifier.

(z) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (x) modifier.

~~(aa) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(bb) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (aa) modifier.~~

~~(cc) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (aa) modifier.~~

~~(dd) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(ee) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (dd) modifier.~~

~~(ff) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (dd) modifier.~~

~~(gg) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(hh) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (gg) modifier.~~

~~(ii) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (gg) modifier.~~

~~(jj) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(kk) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (jj) modifier.~~

~~(ll) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (jj) modifier.~~

~~(mm) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(nn) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (mm) modifier.~~

~~(oo) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (mm) modifier.~~

~~(pp) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(qq) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (pp) modifier.~~

~~(rr) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (pp) modifier.~~

~~(ss) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(tt) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (ss) modifier.~~

~~(uu) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (ss) modifier.~~

~~(vv) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(ww) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (vv) modifier.~~

~~(xx) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (vv) modifier.~~

~~(yy) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(zz) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (yy) modifier.~~

~~(aaa) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (yy) modifier.~~

~~(bbb) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed~~

between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(eee) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (bbb) modifier.

(ddd) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (bbb) modifier.

(eee) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be valid in the current or immediately preceding year's code book to be accepted.

(fff) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (eee) modifier.

(ggg) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (eee) modifier.

(n)(hhh) Attending Ordering Physician Identification Number ID # – The Florida license number of the attending physician as defined in subsection 59B-9.013(7), F.A.C. Report the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the patient's care during the visit. Enter the Florida license number of the attending physician, beginning with "FL". An eleven-character alpha-numeric field of up to eleven characters (e.g., FLME1234567). If out of state physician, fill with the physician's state two letter abbreviation and 9's (e.g., NY999999999 for a physician from New York). For non U.S. physicians (a physician licensed and practicing in another country and not licensed in the U.S.), fill with "XX" and 9's (e.g., XX999999999). For military physicians not licensed in Florida, use US. fill with "US" and 9's (e.g., US999999999). Use NA if the patient was not treated by a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner. A required entry.

(iii) Blank Field A six character alpha-numeric field to be left blank.

(o)(jjj) Operating or Performing Physician Identification Number ID # – The Florida license number of the operating or performing physician as defined in subsection 59B-9.013(8), F.A.C. Report the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner performed. The operating or performing physician may be the person reported in (n) above. Enter the Florida license number of the operating or performing physician, beginning with "FL". An eleven-character alpha-numeric field of up to eleven characters (e.g., FLME1234567). For military physicians not licensed in Florida, use US. A blank or no entry is permitted consistent with the records of the reporting entity.

(p) Other Physician Identification Number – The Florida license number of an other physician as defined in subsection 59B-9.013(9), F.A.C. Report a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who rendered care to the patient other than the person reported in (n) or (o) above. An alpha-numeric field of up to eleven characters. For military physicians not licensed in Florida, use US. A blank or no entry is permitted consistent with the records of the reporting entity.

(kkk) Blank Field A six character alpha-numeric field to be left blank.

(q)(lll) Pharmacy Charges – Charges for medication, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total pharmacy charges.

(r) Medical and Surgical Supply Charges – Charges for supply items required for patient care, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(mmm) Med./Surgical Supp. Charges Enter up to 6 digits to reflect total medical and surgical supply charges.

(nnn) Radiation Oncology Charges Enter up to 6 digits to reflect total oncology charges.

(s)(ooo) Laboratory Charges – Charges for the performance of diagnostic and routine clinical laboratory tests, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total laboratory charges.

(t) Radiology and Other Imaging Charges – Charges for the performance of diagnostic and therapeutic radiology services including computed tomography, mammography, magnetic resonance imaging, nuclear medicine, and chemotherapy administration of radioactive substances, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no radiology or computed tomography charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ppp) CT Scan Charges Enter up to 6 digits to reflect total computerized axial tomography (CAT) scan charges.

(u) Cardiology Charges – Facility charges for cardiac procedures rendered such as heart catheterization, reported in dollars numerically without dollar signs or commas, excluding

cents. Report 0 (zero) if there are no cardiology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(v)(~~qqq~~) Operating Room Charges – Charges for the use of the operating room, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total operating room charges.

(w)(~~rrr~~) Anesthesia Charges – Charges for anesthesia services by the facility, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no anesthesia charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total anesthesia charges.

(x) Recovery Room Charges – Charges for the use of the recovery room, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no recovery room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(sss) MRI Charges Enter up to 6 digits to reflect total magnetic resonance imaging (MRI) charges.

(y) Emergency Room Charges – Charges for medical examinations and emergency treatment, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ttt) Recovery Room Charges Enter up to 6 digits to reflect total recovery room charges.

(z)(~~uuu~~) Treatment or Observation Room Charges – Charges for use of a treatment room or for the room charge associated with observation services, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total treatment or observation room charges.

(aa)(~~vvv~~) Other Charges – Other facility charges not included in (q) to (z) above, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect any other charges that do not fall into any of the categories above.

(bb)(~~www~~) Total Gross Charges – The total of undiscounted A required field. Enter up to 8 digits. Total billed charges to the patient for services rendered for the visit by the reporting entity, reported in dollars numerically without dollar signs or commas, excluding cents. Include charges for services rendered by the ambulatory center excluding professional fees. Zero (0) or negative amounts are not permitted unless verified separately by the reporting entity. Amounts exceeding 50000 must be verified separately by the reporting entity if type of service is “1” indicating ambulatory surgery. Amounts exceeding 100000 must be verified separately by the reporting entity if type of service is “2” indicating an emergency department visit. The sum of pharmacy charges, medical and surgical supply charges, laboratory charges, radiology and other imaging charges, cardiology charges, operating room charges, anesthesia charges, recovery room charges, emergency room charges, treatment or observation room charges, and other charges must equal total charges, plus or minus 10. A required entry. Include charges for the standard package of surgical procedure services as defined by CPT and charges for all other technical services and professional radiological services if facility bills globally, provided for this encounter. Round to the nearest dollar. No negative numbers.

(cc) Patient Visit Beginning Date – The date at the beginning of the patient’s visit for ambulatory surgery or the date at the time of registration in the emergency department. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit beginning date must equal or precede the patient visit ending date. A required entry.

(dd) Patient Visit Ending Date – The date at the end of the patient’s visit. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit ending date must equal or follow the patient visit beginning date. Patient visit ending date must occur within the calendar quarter recorded on the CD-ROM or diskette external label and header record. A visit exceeding 2 days as determined by the patient visit beginning date and patient visit ending date must be verified by the reporting entity. A blank field is not permitted unless type of service is “2” indicating an emergency department visit and patient status is “07” indicating the patient left against medical advice or discontinued care.

(ee) Hour of Arrival – The hour on a 24-hour clock during which the patient’s visit for ambulatory surgery began or during which registration in the emergency department occurred. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

1. 00 – 12:00 midnight to 12:59
2. 01 – 01:00 to 01:59
3. 02 – 02:00 to 02:59
4. 03 – 03:00 to 03:59
5. 04 – 04:00 to 04:59
6. 05 – 05:00 to 05:59
7. 06 – 06:00 to 06:59
8. 07 – 07:00 to 07:59
9. 08 – 08:00 to 08:59
10. 09 – 09:00 to 09:59
11. 10 – 10:00 to 10:59
12. 11 – 11:00 to 11:59
13. 12 – 12:00 noon to 12:59
14. 13 – 01:00 to 01:59
15. 14 – 02:00 to 02:59
16. 15 – 03:00 to 03:59
17. 16 – 04:00 to 04:59
18. 17 – 05:00 to 05:59
19. 18 – 06:00 to 06:59
20. 19 – 07:00 to 07:59
21. 20 – 08:00 to 08:59
22. 21 – 09:00 to 09:59
23. 22 – 10:00 to 10:59
24. 23 – 11:00 to 11:59
25. 99 – Unknown.

(ff) Patient’s Reason for Visit ICD-CM Code (Admitting Diagnosis) – The code representing the patient’s chief complaint or stated reason for seeking care. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period if type of service is “2” indicating an emergency department visit unless the patient fails to disclose or the information is unavailable. A blank field is permitted if the patient fails to disclose or efforts to obtain the information have been unsuccessful consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM diagnosis code. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Space fill if type of service is “1” indicating ambulatory surgery.

(xxx) Radiology Professional Fees Indicator A required field. A one digit code. 1 = Yes. 2 = No. “Yes” means total charges reported in the data field (www) include professional fees for radiology. “No” means total charges in data field (www) do not include professional fees for radiology services.

(yyy) Blank Field A two character alpha-numeric field to be left blank.

(gg)(zzz) Principal ICD-CM Procedure Code (Optional) – The code representing the procedure or service most related to the principal diagnosis. A blank field is permitted if type of service is “1” indicating ambulatory surgery. A blank or no

entry is permitted consistent with the records of the reporting entity if type of service is “2” indicating an emergency department visit. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the principal procedure code and patient sex must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. The ICD-9-CM code. Enter the principal procedure code related to the primary procedure. Left justified, space filled, no decimal.

(hh) Other ICD-CM Procedure Code (1), Other ICD-CM Procedure Code (2), Other ICD-CM Procedure Code (3), Other ICD-CM Procedure Code (4) – A code representing a procedure or service provided during the visit. If no principal ICD-CM procedure is reported, an other ICD-CM procedure code must not be reported. No more than four other ICD-CM procedure codes may be reported. A blank or no entry is permitted if type of service is “1.” Less than four or no entry is permitted if type of service is “2” consistent with the records of the reporting entity. If not space filled, must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(ii) External Cause of Injury Code (1), External Cause of Injury Code (2), and External Cause of Injury Code (3) – A code representing circumstances or conditions as the cause of the injury, poisoning, or other adverse effects recorded as a diagnosis. No more than three external cause of injury codes may be reported. Less than three or no entry is permitted consistent with the records of the reporting entity. If not space filled, must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(jj)(aaaa) Patient Status – Patient disposition at end of visit. A required entry. Must be a Required for ambulatory visits occurring on or after January 1, 2003 A two digit code indicating patient disposition as follows:

1. 01 – Discharged to home or self care (with or without planned outpatient medical care), 01 Home
2. 02 – Transferred to Tø a short-term general hospital,
3. 03 – Transferred to Tø a skilled nursing facility,
4. 04 – Transferred to an intermediate care facility. Other

5. 05 – Transferred to another type of institution (psychiatric, cancer or children’s hospital or distinct part unit).

6. 06 – Discharged to home under care of home health care organization.

7. 07 – Left against medical advice or discontinued care.

8. 08 – Discharged to home under care of home IV provider.

9. 20 – Expired.

10. 50 – Discharged to hospice – home.

11. 51 – Transferred to hospice – medical facility.

12. 62 – Transferred to an inpatient rehabilitation facility including distinct part units of a hospital.

~~(bbbb) Data Type Enter “AS10” for ambulatory patient data.~~

~~(eeee) Filler A blank field of 66 spaces.~~

(3) Trailer Record: The last record in the data file shall be a trailer record and must accompany each data set. If diskettes are submitted, the trailer record must be placed as the last record on the last diskette of the data set. One data element, number of records, must be entered in the trailer record. Report the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed.

This record must follow any documentation submitted for ambulatory patient data records. This record is entered into the file once. All fields are required unless otherwise specified.

**DATA ELEMENT DESCRIPTION**

~~(a) Transaction Code “T” for the trailer record.~~

~~(b) AHCA Number A 10 digit identification number assigned by AHCA for reporting purposes. A numeric field, right justify.~~

~~(c) Florida License Number Zero fill for the trailer record only.~~

~~(d) Provider Medicaid Number A 10 digit number provided for Medicaid providers. If not a Medicaid provider, zero fill.~~

~~(e) Provider Medicare Number A 10 digit number provided for Medicare providers. If not a Medicare provider, zero fill.~~

~~(f) Provider Mailing Address The address of the health care entity providing the patient data records.~~

~~(g) Provider Mailing Address City The city of the address of the health care entity providing the patient data records.~~

~~(h) Provider Mailing Address State The mailing address of the health care entity providing the patient data records.~~

~~(i) Provider Mailing Address Zip Code The zip code of the health care entity providing the patient data records.~~

~~(j) Submitter Mailing Address The address of the organization that is submitting the data file.~~

~~(k) Submitter Mailing Address City The city of the organization that is submitting the data file.~~

~~(l) Submitter Mailing Address State The state of the organization submitting the data file.~~

~~(m) Submitter Mailing Address Zip Code The zip code of the organization submitting the data file.~~

~~(n) Number of Records The total number of patient data records contained in the file, excluding header and trailer records. Must equal the number of records processed.~~

~~(o) Filler A blank field of 206 spaces.~~

~~(4) The effective date of all data reporting changes in Rule 59B-9.018, F.A.C., as amended after 12-28-98, shall be for discharges occurring on or after January 1, 2002 unless a later date is indicated in Rule 59B-9.018, F.A.C.~~

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, \_\_\_\_\_.

**59B-9.019 Ambulatory Patient Data Format – Record Layout.**

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New 9-6-93, Formerly 59B-7.019, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, Repealed \_\_\_\_\_.

**59B-9.020 Data Standards.**

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New 9-6-93, Formerly 59B-7.020, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Beth C. Dye, Bureau Chief, State Center for Health Statistics  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, Secretary, Agency for Health Care Administration  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003 and July 11, 2003

**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**

**Division of Administration**

RULE TITLES:	RULE NOS.:
Scope	63F-8.001
Definitions	63F-8.002
Development of New and Revised Policies	63F-8.003

PURPOSE AND EFFECT: The proposed rule implements new provisions in Section 985.407, Florida Statutes, governing the adoption of policy changes that impact contracted delinquency services and programs.

SUMMARY: The proposed rule establishes the procedure by which the Department adopts policies impacting the operation of contracted delinquency services or programs. The procedure includes the giving of notice of a proposed policy, assessing its fiscal impact, accepting public comments on the proposal, and responding to those comments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 20.316, 985.405, 985.407 FS.

LAW IMPLEMENTED: 985.407 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., February 26, 2004

PLACE: DJJ Headquarters, Knight Building, Probation Conference Room 108, 2737 Centerview Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, (850)921-3048

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 63F-8.001 Scope.

This rule establishes the process for public comment on a Department of Juvenile Justice policy pertaining to the operation of a contracted delinquency service or program.

Specific Authority 20.316, 985.405, 985.407 FS. Law Implemented 985.407 FS. History–New \_\_\_\_\_.

#### 63F-8.002 Definitions.

(1) Policy – For purposes of this rule, a “policy” is an operational requirement that applies to only the specified contracted delinquency service or program and that encompasses the general goals and acceptable procedures of the Department. Excluded from this rule are any policies which:

(a) Are issued as a result of a statutory mandate or an emergency and require implementation in a shorter time period than is described in this rule; or

(b) Apply only to grants administered by or through the Department.

(2) Contracted Delinquency Service or Program – A service or program for supervision, custody, education or treatment of delinquent youth operated under contract with the Department.

(3) Fiscal Impact Statement – Identifies the fiscal impact of the policy on the Department and contracted delinquency service or program providers. A Fiscal Impact Statement (Rule Fiscal Impact Statement) will be prepared for each policy by the Department. The Rule Fiscal Impact Statement is incorporated by reference herein and is available from the Policy Development Officer in the Department’s Office of Administration in Tallahassee.

Specific Authority 20.316, 985.405, 985.407 FS. Law Implemented 985.407 FS. History–New \_\_\_\_\_.

#### 63F-8.003 Development of New and Revised Policies.

The Department shall:

(1) Post the proposed policy, the draft Fiscal Impact Statement, and identifying information of the Department’s contact person on the Department’s website (<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>).

(2) Provide notice in the Florida Administrative Weekly advising the public that a proposed policy has been posted, that briefly describes the proposed policy and identifies the Department’s website. The advertisement of this notice is the beginning of the first public comment period of 20 working days.

(3) Prepare a written response to public comments submitted to the contact person within the first comment period. All comments received in this period and the Department’s written responses will be posted on the Department’s website.

(4) Analyze comments received during the first comment period and prepare a second draft of the proposed policy and Fiscal Impact Statement.

(5) Post the revised proposed policy, the Fiscal Impact Statement, and identifying information of the Department’s contact person on the Department’s website.

(6) Provide notice in the Florida Administrative Weekly advising the public that a revised proposed policy has been posted, that briefly describes the revised proposed policy and identifies the Department’s website. The advertisement of this notice is the beginning of the second comment period of 20 working days.

(7) Prepare a written response to all public comments submitted to the contact person within the second review period. All comments received in this period and the Department’s written responses will be posted on the Department’s website.

(8) Analyze comments received during the second comment period and prepare a third draft of the proposed policy and Fiscal Impact Statement.

(9) Post the policy on the Department’s website upon approval by the Secretary of the Department.

Specific Authority 20.316, 985.405, 985.407 FS. Law Implemented 985.407 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Clyde Benedix, Policy Development Officer, Office of  
 Administration, Department of Juvenile Justice  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Noah M. Powers, Assistant  
 Secretary for Administration, Department of Juvenile Justice  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: October 29, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: November 7, 2003

**DEPARTMENT OF HEALTH**

**Child Care Food Program**

RULE TITLE: Federal Regulations  
 PURPOSE, EFFECT AND SUMMARY: The Department  
 proposes to revise the effective date of the Code of Federal  
 Regulations citation.

RULE NO.: 64F-17.001

SPECIFIC AUTHORITY: 383.011(2) FS.  
 LAW IMPLEMENTED: 383.011(1)(i) FS.  
 THIS RULEMAKING IS UNDERTAKEN PURSUANT TO  
 SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE  
 SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS  
 NOTICE TO: JULIA P. FORRESTER, ASSISTANT  
 GENERAL COUNSEL, 4052 BALD CYPRESS WAY, BIN  
 #A02, TALLAHASSEE, FLORIDA 32399-1703.

SUBSTANTIALLY AFFECTED PERSONS MAY, WITHIN  
 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN  
 OBJECTION TO THIS RULEMAKING WITH THE  
 AGENCY. THE OBJECTION SHALL SPECIFY THE  
 PORTIONS OF THE PROPOSED RULE TO WHICH THE  
 PERSON OBJECTS AND THE SPECIFIC REASONS FOR  
 THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-17.001 Federal Regulations.

Any party receiving program funds, either directly or  
 indirectly, shall comply with 7 C.F.R. Part 226, effective  
 January 1, 2003 and 7 C.F.R. Parts 3015 and 3016, effective  
 August 14, 2000, 7CFR Part 226 which is dated January 1,  
 1998 and which are hereby incorporated by reference and are  
 available from the Department of Health. Copies A copy  
 may be obtained by writing the Florida Department of Health,  
 Bureau of Child Care Nutrition Services, 4052 Bald Cypress  
 Way 2020 Capital Circle, Southeast, Bin #A-17, Tallahassee,  
 Florida 32399-1727.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(i) FS.  
 History—New 7-22-99, Amended

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE TITLES:	RULE NOS.:
12C-1.0187	Credits for Contributions to Nonprofit Scholarship Funding Organizations
12C-1.051	Forms

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been  
 made to the proposed creation of Rule 12C-1.0187, F.A.C., and  
 to the proposed amendments to Rule 12C-1.051, F.A.C., as  
 published in the November 26, 2003 edition of the Florida  
 Administrative Weekly (Vol. 29, No. 48, pp. 4710-4712).  
 These changes are in accordance with Section 120.54(3)(d)1.,  
 F.S., and are in response to oral comments received by the  
 Department from the Joint Administrative Procedures  
 Committee.

Subsection (1) of the proposed creation of Rule 12C-1.0187,  
 F.A.C. (Credits for Contributions to Nonprofit Scholarship  
 Funding Organizations), has been changed so that, when  
 adopted, that subsection will read:

(1) An Application for Corporate Income Tax Credit for  
 Contributions to Nonprofit Scholarship Funding Organizations  
 (SFOs) (Form F-1160, incorporated by reference in Rule  
 12C-1.051, F.A.C.) must be filed with the Department to  
 receive such credit.

(a) Taxpayers that paid \$30,000 or more in corporate  
 income tax in the state fiscal year prior to application must  
 apply online via the Department's Internet site at  
 www.myflorida.com/dor. When the application for credit has  
 been completed and submitted electronically, a confirmation  
 screen will provide a confirmation number and will confirm  
 receipt of the electronic application for credit.

(b) Taxpayers that paid less than \$30,000 in corporate  
 income tax in the state fiscal year prior to application are  
 encouraged to apply online via the Department's Internet site  
 at www.myflorida.com/dor. However, a taxpayer that paid less  
 than \$30,000 in corporate income tax in the state fiscal year  
 prior to application may apply for an allocation of credit by  
 mailing a paper version of Form F-1160 to: Florida  
 Department of Revenue, Revenue Accounting – CIT SFO  
 Credit, 5050 W. Tennessee Street, Building I, Tallahassee, FL  
 32399-0100.

(c) The Department will send written correspondence to  
 each applicant within ten working days of receipt of  
 application (Form F-1160) regarding the amount of the tax  
 credit approved or the reason the credit could not be approved.



Subsection (5) of the proposed creation of Rule 12C-1.0187, F.A.C. (Credits for Contributions to Nonprofit Scholarship Funding Organizations), has been changed so that, when adopted, that subsection will read:

(5) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may be carried forward for a period not to exceed three years. Any taxpayer that seeks to carry forward an unused amount of credit must submit Form F-1160 to the Department in the year that the taxpayer intends to use the carry forward amount. The Department will send written correspondence to the applicant within ten working days regarding the amount of carry forward credit that the taxpayer may use or the reason the Department could not approve the use of a carry forward credit.

The proposed amendments to subsection ~~(15)(46)~~ of Rule 12C-1.051, F.A.C. (Forms), have been changed so that, when adopted, that subsection will read:

Form Number	Title	Effective Date
<del>(15)(46)</del> F-1160	Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (SFOs) (R. <del>01/04 01/03</del> )	<u>06/03</u>

The provisions of Form F-1160, Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (SFOs), have been revised, so that, when adopted, the form will provide that taxpayers who paid \$30,000 or more in corporate income tax in the state fiscal year prior to application must apply for the credit online. Taxpayers who paid less than \$30,000 in corporate income tax in the state fiscal year prior to application are encouraged to file electronically but may apply by mailing a completed Form F-1160 to the Department. Provisions were also included so that the Department could process the form when an applicant completes Form F-1160 and mails it to the Department.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-3.002  
 RULE TITLE: Personnel of Clinical Laboratory Personnel Training Programs

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule is being withdrawn. This proposed rule was published in the Vol. 29, No. 50, December 12, 2003 issue of the Florida Administrative Weekly.

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE NOS.:	RULE TITLES:
690-149.203	Group Conversion Premium
690-149.204	Outline of Coverage
690-149.205	Indemnity Standard Risk Rate
690-149.206	Preferred Provider/Exclusive Provider Standard Risk Rates
690-149.207	Health Maintenance Organization Standard Risk Rates

**NOTICE OF RESCHEDULED HEARING**

Notice is hereby given that the public hearing regarding these rules which was scheduled for January 21, 2004, as published in the Florida Administrative Weekly, Vol. 29, No. 52, on December 26, 2003, has been rescheduled to be held on February 25, 2004, at 9:00 a.m., in Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida.

**Section IV  
 Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF THE LOTTERY**

RULE TITLE:	RULE NO.:
Instant Game Number 520, SET FOR LIFE	53ER04-1

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 520, “SET FOR LIFE,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule

sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-1 Instant Game Number 520, SET FOR LIFE.

(1) Name of Game. Instant Game Number 520, "SET FOR LIFE".

(2) Price. SET FOR LIFE lottery tickets sell for \$10.00 per ticket.

(3) SET FOR LIFE lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning SET FOR LIFE lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any SET FOR LIFE lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
ONE	TWO	THREE	FOUR	FIVE	SIX
<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
SEVEN	EIGHT	NINE	TEN	ELEVN	TWELV
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
NINTN	TWENTY	TWYONE	TWYTHO	TWYTHR	TWYFOR
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>
TWYFIV	TWYSIX	TWYSVN	TWYEGT	TWYNIN	THIRTY

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
ONE	TWO	THREE	FOUR	FIVE	SIX
<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
SEVEN	EIGHT	NINE	TEN	ELEVN	TWELV
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
NINTN	TWENTY	TWYONE	TWYTHO	TWYTHR	TWYFOR
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>
TWYFIV	TWYSIX	TWYSVN	TWYEGT	TWYNIN	THIRTY

(6) The prize symbols and prize symbol captions are as follows:

<b>\$5.00</b>	<b>\$10.00</b>	<b>\$15.00</b>	<b>\$20.00</b>	<b>\$25.00</b>	<b>\$40.00</b>
FIVE	TEN	FIFTEEN	TWENTY	THY FIV	FORTY
<b>\$50.00</b>	<b>\$100</b>	<b>\$200</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$10,000</b>
FIFTY	ONE HUN	TWO HUN	FIVE HUN	ONE THO	TEN THO

**LIFE**

\$5K/MTH/20YRS

(7) The legends are as follows:

WINNING NUMBERS      YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to twenty sets of matching numbers. The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200,

**LIFE**

\$500, \$1,000, \$10,000, and \$5K/MTH/20YRS.

(b) The winner of a \$5,000 a month for twenty years prize may choose one of two payment options for receiving his or her prize. Payment options are "Cash Option" and "Annual Payment." At the time a \$5,000 a month for twenty years prize is claimed the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. If a winner does not choose the Cash Option within such time, the Annual Payment option will be applied. Once the winner signs the Winner Claim Form and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 10/03, and Spanish Winner Claim Form DOL-173-S, Revised 10/03, are incorporated herein by reference and may be obtained from any Lottery retailer, Lottery office or from the Lottery's web site at [www.flalottery.com](http://www.flalottery.com).

(c) Cash Option prizes will be paid in a single cash payment equal to the amount of cash required to purchase U.S. Government Securities that would fund \$1,200,000 payable over a twenty year period, less applicable federal tax withholding. This figure will be determined during the week following the date on which the \$5,000 a month for twenty years prize is claimed, by obtaining quotes from at least two investment sources. The quote costing the least to fund the twenty year payment stream, had the annual payment option been selected, will be the amount of the Cash Option prize.

(d) Annual Payment prizes will be paid in twenty equal annual installments of \$60,000 per year, each payment less applicable federal tax withholding.

(e) Any interest or earnings accruing on a \$5,000 a month for twenty years prize prior to the prize payment or purchase of securities, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 520 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 67 POOLS OF 120,000 TICKETS PER POOL
\$5 x 2	\$10	15.00	536,000
\$10	\$10	30.00	268,000
\$5 x 3	\$15	30.00	268,000
\$15	\$15	15.00	536,000
\$5 x 4	\$20	30.00	268,000
\$10 x 2	\$20	30.00	268,000
\$5 x 8	\$40	252.63	31,825
(\$5 x 4) + (\$10 x 2)	\$40	252.63	31,825
\$10 x 4	\$40	252.63	31,825
\$15 + \$25	\$40	252.63	31,825
\$40	\$40	240.00	33,500
\$50	\$40	252.63	31,825
\$5 x 20	\$50	101.69	79,060
\$25 x 4	\$100	400.00	20,100
(\$10 x 6) + \$40	\$100	600.00	13,400
\$20 x 5	\$100	800.00	10,050
\$100	\$100	800.00	10,050
\$10 x 20	\$100	600.00	13,400
(\$10 x 10) + (\$20 x 3) + \$40	\$200	2,400.00	3,350
\$20 x 10	\$200	2,000.00	4,020
(\$25 x 4) + (\$50 x 2)	\$200	2,000.00	4,020
\$200	\$200	2,000.00	4,020
\$25 x 20	\$200	2,000.00	4,020
\$50 x 10	\$500	4,615.38	1,742
(\$20 x 5) + (\$25 x 12) + (\$50 x 2)	\$500	4,615.38	1,742
\$100 x 5	\$500	4,800.00	1,675
\$500	\$500	4,800.00	1,675
\$50 x 20	\$500	4,800.00	1,675
\$100 x 10	\$1,000	64,320.00	125
\$200 x 5	\$1,000	64,320.00	125
\$500 x 2	\$1,000	64,320.00	125
\$1,000	\$1,000	67,000.00	120
\$500 x 20	\$1,000	67,000.00	120
\$10,000	\$10,000	536,000.00	15
LIFE (\$5,000 a month for 20 years)	\$10,000	536,000.00	15
	Top Prize	2,680,000.00	3

(10) The estimated overall odds of winning some prize in Instant Game Number 520 are 1 in 3.24. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 520, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a SET FOR LIFE lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for SET FOR LIFE lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 1-16-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 16, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: RULE NO.:

Instant Game Number 522, 53ER04-2  
 QUEEN OF HEARTS

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 522, “QUEEN OF HEARTS,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

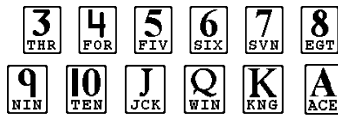
53ER04-2 Instant Game Number 522, QUEEN OF HEARTS.

(1) Name of Game. Instant Game Number 522, “QUEEN OF HEARTS.”

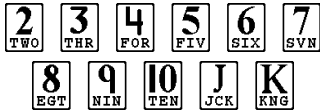
(2) Price. QUEEN OF HEARTS lottery tickets sell for \$2.00 per ticket.

(3) QUEEN OF HEARTS lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning QUEEN OF HEARTS lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any QUEEN OF HEARTS lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR CARD" play symbols and play symbol captions are as follows:



(5) The "DEALER'S CARD" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$20.00</b>
TICKET	ONE	TWO	FIVE	TEN	THENTY
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$200</b>	<b>\$1,000</b>	<b>\$5,000</b>
THY FIV	FIFTY	ONE HUN	TWO HUN	ONE THO	FIVE THO
		<b>\$10,000</b>			
		TEN THO			

(7) The legends are as follows:

PRIZE	YOUR CARD	DEALER'S CARD
	HAND 1	
	HAND 2	
	HAND 3	
	HAND 4	
	HAND 5	
	HAND 6	
	HAND 7	
	HAND 8	

(8) Determination of Prizewinners. There are eight hands on a ticket. Players may win in one or more hands per ticket.

(a) A ticket having a card in the "YOUR CARD" play area of one hand that beats the card in the "DEALER'S CARD" play area of the same hand, shall entitle the claimant to the corresponding prize shown for that hand. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$1,000, \$5,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a QUEEN OF HEARTS lottery ticket which entitles the claimant

to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket having a "Q WIN" symbol in the "YOUR CARD" play area shall entitle the claimant to a prize of \$25.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 522 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
TICKET	\$2 TICKET	1 IN	WINNERS IN
		PER POOL	42 POOLS OF
		180,000 TICKETS	
\$2	\$2	18.75	403,200
\$2 x 2	\$4	37.50	201,600
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	50.00	151,200
\$1 + (\$2 x 2) + \$5	\$10	100.00	75,600
(\$1 x 6) + (\$2 x 2)	\$10	100.00	75,600
\$10	\$10	150.00	50,400
\$25 (QUEEN CARD)	\$25	100.00	75,600
(\$5 x 2) + (\$10 x 4)	\$50	1,200.00	6,300
\$10 x 5	\$50	1,200.00	6,300
\$50	\$50	425.53	17,766
(\$5 x 4) + (\$20 x 4)	\$100	21,600.00	350
(\$25 x 2) + \$50	\$100	21,600.00	350
\$100	\$100	21,600.00	350
(\$25 x 6) + \$50	\$200	151,200.00	50
(\$100 x 6) + (\$200 x 2)	\$1,000	630,000.00	12
\$1,000	\$1,000	1,260,000.00	6
\$5,000 x 2	\$10,000	2,520,000.00	3
\$10,000	\$10,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 522 are 1 in 3.74. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 522, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a QUEEN OF HEARTS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for QUEEN OF HEARTS lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 1-16-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: January 16, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 521, LUCKY CLOVERS  
RULE NO.: 53ER04-3  
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 521, "LUCKY CLOVERS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-3 Instant Game Numbers 521, LUCKY CLOVERS.

(1) Name of Game. Instant Game Number 521, "LUCKY CLOVERS."

(2) Price. LUCKY CLOVERS lottery tickets sell for \$1.00 per ticket.

(3) LUCKY CLOVERS lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning LUCKY CLOVERS lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any LUCKY CLOVERS lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FOUR	FIVE	TEN
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$500</b>		
THY FIVE	FIFTY	ONE HUN	FIVE HUN		



(5) Determination of Prizewinners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, and \$500. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail

a LUCKY CLOVERS lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having two like prize amounts and a



"DOUBLE" symbol in the play area shall entitle the claimant to a prize of double that amount.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 521 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	10.00	756,000
\$2	\$2	15.00	504,000
\$4	\$4	25.00	302,400
\$5	\$5	100.00	75,600
\$5 "POT OF GOLD"	\$5	30.00	252,000
\$10	\$10	300.00	25,200
\$25	\$25	300.00	25,200
\$25 "POT OF GOLD"	\$50	7,200.00	1,050
\$50	\$50	9,000.00	840
\$50 "POT OF GOLD"	\$100	32,869.57	230
\$100	\$100	60,480.00	125
\$500	\$500	302,400.00	25

(7) The estimated overall odds of winning some prize in Instant Game Number 521 are 1 in 3.84. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 521, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a LUCKY CLOVERS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(10) Payment of prizes for LUCKY CLOVERS lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 1-16-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 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."

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**Section V**  
**Petitions and Dispositions Regarding Rule**  
**Variance or Waiver**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on January 13, 2004, South Florida Water Management District (District) received an amended petition for waiver from Richard A. Aron, Application Number 03-1021-2, for utilization of Works and Lands of the District known as the Golden Gate Main Canal, Collier County to construct a proposed boat dock within the north right of way of the Golden Gate Main Canal adjacent to 3775 Recreation Lane, Naples, FL, Collier County, Section 33, Township 49 South, Range 26 East.

The petition seeks relief from paragraph 40E-6.221(2)(j), F.A.C., which governs the minimum low member elevation of pile-supported docking facilities within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299, e-mail: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on January 20, 2004, the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, issued an Order Denying Petition for Variance or Waiver of Rule 61A-7.003, F.A.C., submitted by Cinders LLC, doing business as Fortunes Steak

and Seafood, seeking entitlement to a variance or waiver under Section 120.542, Florida Statutes (2003) and relief from the Division's denial of its election to operate as a "stand alone bar", within the meaning of Article X, Section 20, Florida Constitution (2003), the Clean Indoor Air Act, Chapter 386, Part II, Florida Statutes (2003) and Section 561.695, Florida Statutes (2003) and to allow patrons to continue to smoke tobacco products in its alcoholic beverage licensed establishment.

A copy of the Order may be obtained from: Sarah Wachman, Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-1020, (850)921-0342.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a petition filed on January 15, 2004, by Lalit Goyal, M.D., seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to required verification of the applicant's medical education directly from the medical school.

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 for waiver or variance filed on January 20, 2004, on behalf of The Urological Center, LLC. The petition seeks a waiver from sub-subparagraph 64B8-9.009(6)(b)1.b., F.A.C., with regard to the requirement for ACLS and BLS certification for surgeons.

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 Osteopathic Medicine hereby gives notice that it has received a petition for waiver or variance filed on January 16, 2004, on behalf of The Urological Center, LLC. The petition seeks a waiver from sub-subparagraph 64B15-14.007(6)(b)1.b., F.A.C., with regard to the requirement for ACLS and BLS certification for surgeons.

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

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

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#### DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal has received a petition for a waiver of certain requirements of Rule Chapter 69A-39, Florida Administrative Code. The petition was received on January 14, 2004, from Mr. Larry Johnson, requesting a waiver of Rule 69A-39.007, Florida Administrative Code, which requires a passing score of 70 on an examination for certification as a firesafety inspector.

Interested persons may receive a copy of the petition by contacting: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, facsimile (850)922-1235, e-mail: mazzeog@dfs.state.fl.us. Please be sure to include your phone number in case any questions arise concerning your request.

Written comments on the petition will be accepted until 5:00 p.m., Eastern Standard Time, on the 14th day after the date this notice is published.

Comments may be submitted to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

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

#### DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

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

PLACE: Daytona Children's Medical Services, Conference Room, 325 N. Williamson Blvd, Daytona Beach, FL 32114, (386)238-4980

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting to view artist entries and select artists and artworks for Art in State Buildings Project No. DOH 5006/4100, Daytona Children's Medical Services, Daytona Beach, Volusia County.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, 500 South Bronough Street, Room 405, Tallahassee, Florida 32399-0250, (850)245-6476.

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 Division of Cultural Affairs.

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: Dana DeMartino, (850)245-6477. If you are hearing or speech impaired, please contact the Florida Relay at 711.

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#### DEPARTMENT OF LEGAL AFFAIRS

The Ad Hoc Committee to Review State Commissions on the Status of Women of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested parties are invited to participate.

DATE AND TIME: Tuesday, February 3, 2004, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation. If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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

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The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested parties are invited to participate.

DATE AND TIME: February 10, 2004, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation. If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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

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

DATE AND TIME: February 10, 2004, 3:00 p.m.

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

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

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested parties are invited to participate.

DATE AND TIME: Wednesday, February 11, 2004, 10:00 a.m.

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

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

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

The Women's Hall of Fame Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested parties are invited to participate.

DATE AND TIME: February 11, 2004, 3:00 p.m.

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

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

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

The Finance and Budget Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested parties are invited to participate.

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

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

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

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

The Awards and Recognition Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested parties are invited to participate.

DATE AND TIME: February 12, 2004, 2003, 3:00 p.m.

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

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

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

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATE AND TIME: February 19, 2004, 8:30 a.m. – 5:30 p.m.

PLACE: Center for Professional Development (Turnbull Center), 555 W. Pensacola Street, Room 110, Tallahassee, Florida 32306-1640, (850)644-3801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104, 106, and Section 105.071, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda call: Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

DATE AND TIME: Thursday, February 12, 2004, 11:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.



The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Louise King, (305)246-8460.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Interagency Coordinating Council.

DATE AND TIME: March 24, 2004, 1:00 p.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

**DEPARTMENT OF EDUCATION**

The public is invited to a meeting of the Ad Hoc Committee on Matching Gifts of the Florida **Board of Governors**.

DATE AND TIME: February 12, 2004, 10:00 a.m. – 2:00 p.m.

PLACE: By Telephone Conference Call, Room 1505, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuing discussion of the need for adequate funding for the Trust Fund for Major Gifts; and other matters pertaining to this Committee's charge.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Florida Center for Advising and Academic Support** (FCAAS) announces a public meeting to which all persons are invited.

DATE AND TIME: February 10, 2004, 1:30 p.m. – 3:30 p.m.

PLACE: Turlington Building, 325 W. Gaines Street, Room 1414, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: FCAAS Executive Committee will meet to discuss the agenda for the upcoming FCAAS Board meeting.

A copy of the agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact: FCAAS, (850)245-0518.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Building Commission** announces the following Product Approval Oversight Committee meeting to which all persons are invited. The meeting will be held at:

DATE AND TIME: February 11, 2004, 10:00 a.m. – Product Approval Oversight Committee Meeting

PLACE: Orange County Administration Building, Commission Chambers, 201 South Rosalind Avenue, Orlando, Florida, (407)836-5562

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to identify issues related to the Product Approval Program application processes in the Building Codes Information System and to clarify issues related program implementation.

A copy of the Committee meeting agenda may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or looking on the web site at [www.floridabuilding.org](http://www.floridabuilding.org)

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Communities Trust** announces a Public Meeting of the Governing Body to which all persons are invited.

DATE AND TIME: February 12, 2004, 10:00 a.m. – conclusion

PLACE: City of Daytona Beach, City Hall Conference Room 116, S. W. Entrance, 301 S. Ridgewood Avenue, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on several current projects; other business that the governing board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business. To obtain a copy of the agenda, contact the Trust, (850)922-2207.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

Persons requiring a special accommodation for a disability or physical impairment should contact Florida Communities Trust, (904)922-2207, Suncom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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## DEPARTMENT OF REVENUE

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

**DATE AND TIME:** February 10, 2004, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Approval of adoption of the creation of Rule 12C-1.0187, F.A.C., and the proposed amendments to Rules 12C-1.0222 and 12C-1.051, F.A.C., of Rule Chapter 12C-1, F.A.C., Corporate Income Tax. A Notice of Proposed Rulemaking for these proposed rule changes was published in the Florida Administrative Weekly on November 26, 2003 (Vol. 29, No. 48, pp. 4710-4712). A Notice of Change to the proposed creation of Rule 12C-1.0187, F.A.C., to the proposed amendments to Rule 12C-1.051, F.A.C., and to Form F-1160 will be published in the January 30, 2004, edition of the Florida Administrative Weekly.

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

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## DEPARTMENT OF TRANSPORTATION

**NOTICE OF CORRECTION –** The Florida **Department of Transportation**, District Six announces a public hearing to which all interested persons are invited.

**DATE AND TIME:** February 12, 2004, 6:00 p.m.

**PLACE:** Lummus Park Facility, 404 N. W. 3rd Street, Miami, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects outlined in the N. W. 5th Street Bridge Project Development

and Environment Study FM Number 412808-1-21-01, Federal Aid Number-Not Assigned. The limits of the project corridor are from N. W. 3rd Street on N. W. 8th Avenue over the N. W. 5th Street Bridge to N. W. 8th Street on N. W. 7th Avenue, in the City of Miami, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call (305)470-5217. Special accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Monica Diez, P.E., District Project Development Engineer, Florida Department of Transportation, District VI, 1000 N. W. 111th Avenue, Room 6103, Miami, Florida 33172.

This is a corrected notice: The original notice was published in Florida Administrative Weekly, Vol. 30, No. 4, dated January 23, 2004. The corridor limits shown in the "PURPOSE" statement are corrected.

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The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 12, 2004, 8:30 a.m.

**PLACE:** Department of Transportation Turnpike Headquarters Auditorium, Mile Post 263, Turkey Lake Service Plaza, Building 5315, Ocoee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)922-4483.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, Florida 32303-5750.

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The **Secure Airports for Florida's Economy (SAFE) Council** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: February 3, 2004, 3:00 p.m. – 5:00 p.m.

PLACE: Florida League of Cities, Sittig Hall, 301 S. Bronough Street, Tallahassee, FL 32301 (To attend via telephone call: 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct necessary business of the Council.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The SAFE Council, 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.

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#### **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."

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#### **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: Tuesday, February 10, 2004, 9:00 a.m.

PLACE: Florida's Natural Grove House, 20160 US Hwy. 27, Lake Wales, FL 33853-2425

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to finalize fresh squeezed prestination for the February Florida Citrus Commission meeting, recap this season's programs, plan next season's programs 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. Art Johnson at the above address or by telephone (863)499-2510.

#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*February 16, 2004, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

\* In the event of a scheduling conflict, this meeting may be rescheduled to February 17, 2004, in Room 140, immediately preceding or immediately following the Commission Conference.

\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\*

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: February 17, 2004, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida

32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, <http://www.floridapsc.com>, at no charge.

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

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

Docket No. 030438-EI – Petition for rate increase by Florida Public Utilities Company

DATES AND TIME: February 18-19, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition for rate increase by Florida Public Utilities Company, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on February 2, 2004. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Capacity Building Council is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 10, 2004, 3:30 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Goals and strategies review and update.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

#### REGIONAL PLANNING COUNCILS

The District Six, Local Emergency Planning Committee (LEPC) for Hazardous Materials at the **Florida Space Authority** announces a public meeting to which all persons are invited, as follows:

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

PLACE: East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting of the District Six, Local Emergency Planning Committee (LEPC) for Hazardous Materials.

In the event that a quorum is not present, a workshop will be convened to discuss the business of the Committee.

A copy of the agenda and more information may be obtained by writing: Ms. Teri Hunalp, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, FL 32751 (407)623-1075, Ext. 335.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, February 11, 2004, 9:30 a.m.

PLACE: Hardee County Commission Chambers, 412 W. Orange St., Rm. A204, Wauchula, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and its Executive Committee.

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 **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: February 20, 2004, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Usher Family Trust/Manatee Springs Addition Conservation Easement, 2,015 acres +/-, Levy County, Florida.

Following the Board meeting the Board will travel to West Palm Beach, Florida to attend a South Florida Water Management District Workshop.

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

Governing Board will be attending SFWMD Board Meeting and Workshop

PLACE: South Florida Water Management District, West Palm Beach, Florida

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

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The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, February 10, 2004, 8:15 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, February 10, 2004, 8:45 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

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

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, February 10, 2004, 1:00 p.m.

(This meeting may continue at 8:00 a.m. on Wednesday, February 11, 2004, if not completed)

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

PUBLIC HEARING ON POLICY REVISIONS

DATE AND TIME: Tuesday, February 10, 2004, following regularly scheduled Governing Board/Regulatory meeting which begins at 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to District Policy 99-02, Wire or Electronic Funds Transfer Procedure, which is incorporated in subsection 40C-1.004(2), Florida Administrative Code.

A copy of the agenda may be obtained at the St. Johns River Water Management District website [www.sjrwmd.com](http://www.sjrwmd.com) or by calling (386)329-4500. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting: Ann Freeman, (386)329-4101.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

**GREEN INDUSTRY ADVISORY COMMITTEE**

DATE AND TIME: Thursday, February 5, 2004, 9:30 a.m.

PLACE: Department of Environmental Protection, 3804 Coconut Palm Drive, Conference Room A, Tampa, FL 33619

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community and Legislative Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

**GOVERNING BOARD WASHINGTON D.C. TRIP**

DATE AND TIME: February 9, 2004

PLACE: Madison Hotel, 15th and M Streets, N. W., Washington, D.C.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board members will be traveling together and will meet for an organizational meeting at 5:00 p.m. at the hotel.

**GOVERNING BOARD WASHINGTON D.C. TRIP**

DATES AND TIME: February 10-11, 2004

PLACE: Washington, D.C. House and Senate Office Buildings

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meet with District Congressional Delegation members to discuss legislative issues and Federal funding. Luncheon and dinner meetings are planned during the trip.

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

DATE AND TIME: Thursday, February 5, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: DoubleTree Hotel Coconut Grove, 2649 South Bayshore Drive, Coconut Grove, Florida

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

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/gover/wrac/agendas.html>, seven (7) days prior to the meeting; or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

Those who want more information, please contact: Rick Smith, (561)682-6517 or Paula Moree, (561)682-6447, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

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

DATE AND TIME: Wednesday, February 11, 2004, 9:00 a.m. – completed

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

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

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

Persons with disabilities who need assistance may contact the District Clerk, (561)686-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-3447.

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#### DEPARTMENT OF VETERANS' AFFAIRS

The Florida **Commisison on Veterans' Affairs** will hold its quarterly meeting in Tallahassee, Florida. This is a public meeting to which all persons are invited.

DATE AND TIME: Meeting: Monday, February 9, 2004, 1:00 p.m. (Rescheduled from Monday, January 26, 2004)

PLACE: The Knott Building, 404 South Monroe Street, Room 116, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Nancy Schiellerd, Florida Department of Veterans' Affairs, 2540 Executive Center Circle, West, The Douglas Building, Suite 100, Tallahassee, Florida 32301. Please telephone, (850)487-1533, at least 48 hours prior to the workshop.

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#### DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Advisory Council announces a meeting to which all persons are invited to join.

Interested individuals may join by notifying: Darrick McGhee, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2085.

DATE AND TIME: March 30, 2004, 10:00 a.m. – 5:00 p.m.

PLACE: The Quality Inn & Suites, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Department of Elder Affairs Advisory Council to discuss the department and initiatives the council wants to undertake.

To obtain a copy of the agenda, please contact: Darrick McGhee, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2085, Suncom 994-2085, email: [McgheeD@elderaffairs.org](mailto:McgheeD@elderaffairs.org).

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 department at least 48 hours before the meeting by contacting: Darrick McGhee, (850)414-2085. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The State of Florida, **Long-Term Care Ombudsman Council** announces its next Quarterly Meeting including a number of Committee Meetings; to which interested persons are invited.

Executive Committee (L. duWette's room)

DATE AND TIME: Wednesday, February 4, 2004, 10:00 a.m. – 5:00 p.m.

DATE AND TIMES: Thursday, February 5, 2004, 9:00 a.m. – 12:00 Noon – Policy and Procedure Committee (A. Bennett's room); Legislative Committee (J. Murphy's room); Ways and Means Committee ((B. Lee's room); 8:30 – 3:00 p.m. – State Council General Session

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

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

If anyone should require additional information regarding these events, please call the Office of the Long-Term Care Ombudsman, (850)414-2323.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **State Technology Office**, Wireless 911 Board/Subcommittee for Phase II Wireless E911 will hold a telephone conference to discuss recommendations to the Wireless 911 Board Annual Report to which all interested persons are invited.

DATE AND TIME: February 5, 2004, 1:00 p.m. – 3:30 p.m.

PLACE: For participation call: (850)414-5775, Suncom 994-5775

DATE AND TIME: February 12, 2004, 1:00 p.m. – 3:30 p.m.

PLACE: For participation call: (850)414-5775, Suncom 994-5775

If accommodation due to disability is needed in order to participate, please notify the State Technology Office/Wireless 911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

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The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, February 16, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Conference Room 124, Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, Elaine.womble@myflorida.com or call (850)922-2680.

The **Florida Black Business Investment Board**, Inc. (FBBIB) and the Florida Black Business Support Corporation (FBBSC) will hold their Board of Directors' meetings to which all interested persons are invited.

DATE AND TIME: Thursday, February 5, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Board's operations, to identify areas for future Board priorities, loan, audit, and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, Inc., 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB office, (850)487-4850, at least seven (7) days prior to the meeting.

The Florida **Black Business Support Corporation** announces a notice of change in the time of its teleconference meetings, for the next quarter, of its Loan Investment Committee to which all interested persons are invited.

DATES AND TIME: Thursday, February 12, 2004; Thursday, March 11, 2004, 10:00 a.m.

PLACE: Teleconference – Call (850)487-4850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider financing requests, receive reports relating to loan and investment activities, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meetings, please notify the FBBSC Office, (850)487-4850, at least seven (7) days prior to the meetings.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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, February 18, 2004, 8:30 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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, (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 Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIMES: February 5, 2004, 9:00 a.m. and 10:00 a.m. or soon thereafter

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

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

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



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

The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIME: February 5, 2004, 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)88-0062

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

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

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

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application, Rules and Legislation, Examination and Continuing Education, and Executive Committee Meetings and General Board and Business Meeting.

DATE AND TIME: February 13, 2004, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: AmeriSuites, 5435 Forbes Place, Orlando, FL 32812

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at

least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Research Selection Committee for the **Florida Center for Solid and Hazardous Waste Management** will meet via conference call as follows:

DATE AND TIME: February 3, 2004, 10:00 a.m.

PLACE: To obtain the call-in number, please contact: Florida Center, (352)392-6264

#### DEPARTMENT OF HEALTH

The Florida **Board of Massage** will hold the following meeting via telephone conference call to which all persons are invited:

DATES AND TIMES: Tuesday, February 10, 2004, 2:00 p.m. or shortly thereafter

PLACE: Meet-Me Number (850)921-6623, Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

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

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ronda Bryan, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ronda Bryan using the Florida Dual Party Relay System, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Finance Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2004, 5:00 p.m.

PLACE: Crown Plaza Pensacola Grand, 200 E. Gregory St., Pensacola, FL 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

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The Florida **Board of Medicine**, Rules/Legislative Committee Meeting announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2004, immediately following the Finance Committee Meeting (anticipated time: 7:00 p.m.)

PLACE: Crown Plaza Pensacola Grand, 200 E. Gregory St., Pensacola, FL 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is

to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

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The **Board of Medicine** hereby gives notice that pursuant to Section 286.011(8), Florida Statutes, it will be meeting in a closed session to discuss settlement negotiations in the matter of Florida Academy of Cosmetic Surgeons, Inc., v. Board of Medicine, DOAH Case No. 03-3349.

DATE AND TIME: Saturday, February 7, 2004, 8:00 a.m.

PLACE: Crown Plaza Pensacola Grand, 200 East Gregory Street, Pensacola, Florida 32501

The following persons shall be in attendance: members of the Board of Medicine, the Board's Executive Director, Legal Counsel, and other Board staff. The meeting shall be transcribed in accordance with the provisions of Section 286.011(8), Florida Statutes.

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NOTICE OF CORRECTION – The Florida **Board of Medicine**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: February 13, 2004, 2:00 p.m.

PLACE: Meet Me Number: (850)488-5788, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: February 20, 2004, 2:00 p.m.

PLACE: Meet Me Number (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Osteopathic Medicine** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Friday, February 20, 2004, 4:00 p.m. or shortly thereafter; Saturday, February 21, 2004, 9:00 a.m. or shortly thereafter

PLACE: Nova Southeastern University (Morris Auditorium) 3200 South University Dr., Ft. Lauderdale, FL 33328, (954)262-1746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

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

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850) 488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days

prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Wednesday, February 18, 2003, 2:00 p.m. or soon thereafter

PLACE: The Double Tree Galleria, 2670 East Sunrise Blvd., Ft. Lauderdale, FL 33304, (954)565-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the current laws and rules.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

a copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Wednesday, February 19, 2003, 9:00 a.m. or soon thereafter

PLACE: The Double Tree Galleria, 2670 East Sunrise Blvd., Ft. Lauderdale, FL 33304, (954)565-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Children’s Medical Services Cardiac Subcommittee** has scheduled a conference call to which all interested persons are invited to participate.

DATE AND TIME: February 3, 2004, 5:00 p.m. – 6:00 p.m. (EST)

PLACE: Conference number: (850)922-2903

For additional information, please contact: Sue Steverson, (850)245-4444, Ext. 2253.

**FLORIDA TELECOMMUNICATIONS RELAY**

The **Florida Telecommunications Relay, Inc.** announces a regular meeting of the Board of Directors to which all interested persons are invited.

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

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

**SCRIPPS FLORIDA FUNDING CORPORATION**

NOTICE OF CHANGE – The Board of Directors of the **Scripps Florida Funding Corporation** announces a change in time of 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: Friday, January 30, 2004, 12:00 Noon – 1:00 p.m. (formerly 3:00 p.m. – 5:00 p.m.)

PLACE: 505 South Flagler Drive, 8th Floor Conference Room, West Palm Beach or tele-conference 1(877)242-6519 (outside of US/ Canada dial (706)679-5400)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will be to execute the contract between Scripps Florida Funding Corporation and The Scripps Research Institute.

The date, time and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/ottd/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.young@myflorida.com](mailto:jennie.young@myflorida.com) at least 48 hours in advance of the meeting.

**GUARANTY FUND MANAGEMENT CORPORATION**

The **Guaranty Fund Management Corporation** announces its first board meeting to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, February 4, 2004, 2:00 p.m. (Eastern Time), recessing at 5:00 p.m. or upon conclusion of the agenda

PLACE: Florida Workers’ Compensation Insurance Guaranty Association, 1425 E. Piedmont Drive, Ste. 201-B, Tallahassee, Florida 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Guaranty Fund Management Corporation will meet regarding the business of the Corporation.

A copy of the agenda may be obtained by contacting: Mr. Tim Meenan, (850)681-6710.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Association by contacting Tony Grippa, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD, 1(800)955-1339.

**FLORIDA WORKERS COMPENSATION APPEALS BOARD**

The **Florida Workers Compensation Appeals Board** announces a meeting to which all persons are invited.

DATE AND TIME: February 5, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822, (407)851-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a mechanism by which aggrieved parties may obtain a review of the application of the rules of the workers compensation system to their individual workers compensation policies.

Contact: Michelle Baker, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33487, (561)893-3195.

**COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT**

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATE AND TIME: Wednesday, February 11, 2004, 9:30 a.m. – 3:30 p.m.

PLACE: Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: There will be a discussion about work plans and timelines for the remaining issues to be addressed in the Master Plan, a briefing on steps taken to address the technology proficiency requirements of No Child Left Behind, and updates on other ongoing Council activities and assignments.

**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, February 13, 2004, 11:00 a.m.

PLACE: Conference Room “R”, Second Floor, City Hall, City of Orlando, 400 South Orange Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of Board of Directors.

Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

**DUVAL COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Duval County Research and Development Authority** announces a business meeting.

DATE AND TIME: February 13, 2004, 12:00 p.m. – 2:00 p.m.

PLACE: University of North Florida, University Center, Room 1058 BOT1, 12000 Alumni Drive, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the meeting agenda may be obtained by contacting: Earle C. Traynham, Executive Director, Duval County Research and Development Authority, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224-2645.

**HEALTHY KIDS CORPORATION**

The Florida **Healthy Kids Corporation** announces the re-scheduling of the January 29, 2004 Board of Directors meeting. The next meeting will be on February 26, 2004.

DATE AND TIME: February 26, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: Sittig Hall, 301 South Bronough Street, Tallahassee, Florida

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Petition for Declaratory Statement received from Simpson Strong-Tie Company, Inc. on December 15, 2003, has been withdrawn. Notice of receipt of this petition, which was assigned the number of DCA03-DEC-331, appeared in the January 16, 2004, edition of the Florida Administrative Weekly.

A copy of the withdrawal may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Emil A. Pavone, Jr, and Mr. William H. Mills, Sr., Bayfront Tower Condominium Association Residential, Inc. Docket Number 2003094710.

The Petitioner requests a declaratory statement as to Whether Section 718.112(2)(c), Florida Statutes, requires committee meetings at which a quorum of the board is present or might be present, to be noticed as a board meeting and an agenda provided.

A copy of the Petition for Declaratory Statement, Docket Number 2003094710, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1029.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Regis S. Streitman, Unit owner, Shores Club Condominium Management Association, Inc., Docket Number 2003094711.

The Petitioner requests a declaratory statement as to whether the board's notice of a unit owner meeting complied with the Division's previous Declaratory Statement No. 2003056407 regarding a unit owner vote to fund, waive, or partially fund reserves as required by Section 718.112(2)(a)2., Florida Statutes, (2003) when it responded to his inquiry.

A copy of the Petition for Declaratory Statement, Docket Number 2003094711, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1029.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTIFICATION OF INTENT TO OPERATE  
THE SUMMER FOOD SERVICE  
PROGRAM FOR CHILDREN**

In accordance with Title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program for the fiscal year 2004.

The primary purpose of the program is to provide food service to children from needy areas during periods when area schools are closed for vacation.

Eligible children are those 18 years of age and under, and persons over 18 years of age who are determined by the State educational agency or a local public educational agency of the State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped.

The program will be made available throughout Florida by State approved sponsors. Sponsors for the program may be a public or nonprofit private school, nonprofit private organization, residential or non-residential camp, government organization, or a National Youth Sports Program.

For more information please contact: Food and Nutrition Management, Summer Food Service Program for Children, 1(800)504-6609.

**NOTICE TO PROFESSIONAL CONSULTANTS**

Florida Gulf Coast University, on behalf of the Board of Trustees, announces that Professional Services in the discipline of engineering will be required for the project listed below:

Project No. BR-1038

Project and Location: CEP Expansion – Phase 2 for FGCU, Fort Myers, Florida

Description of Project:

Due to the construction of additional buildings for the FGCU Campus in the near future, the existing Central Energy Plant’s chilled water capacity will need to be expanded.

The project scope will include the development of documents to purchase and install a 1,500 ton high efficiency water chiller, (2) 750 ton cooling towers, related piping insulation, rigging, chemical treatment and temperature controls in the existing central energy plant building.

The project will utilize the Public Open Bid method. The selected firm will provide design, construction documents, and administration services for the referenced project. The estimated cost of construction is approximately \$2,000,000 and the project budget is \$2,300,000.

Instructions:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached the following:

1. A completed Board of Regents “Professional Qualifications Supplement,” dated September 1999. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for Florida Gulf Coast 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, subcontract, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Mr. Jack Fenwick, Director of Facility Planning, 10501 FGCU Blvd., South, Fort Myers, Florida 33965-6565, Phone (239)590-1500, Fax (239)590-1505

Submittals must be received in the Facilities Planning Office, by 3:00 p.m., local time, on March 1, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

**INVITATION TO NEGOTIATE**

School Readiness Coalition of Highlands County announces its intention to procure services for the fiscal year beginning July 1, 2004. Included in these services will be Child Care Resource and Referral; Subsidized Child Care Eligibility, Placement and Utilization; Provider Assistance; Screening Services; and Infant and Toddler Services. The “Invitation To Negotiate” can be downloaded from [www.highlands.k12.fl.us/schoolreadiness.html](http://www.highlands.k12.fl.us/schoolreadiness.html) or obtained by email request to [Rafattic@highlands.k12.fl.us](mailto:Rafattic@highlands.k12.fl.us) or phone at (863)471-5532. The deadline to reply with a “Notice of Intent to Submit a Sealed Reply” is January 26, 2004. “Sealed Replies” are due by February 27, 2004 to the Coalition office at P. O. Box 313, Sebring, Florida 33871. A voluntary Vendor Conference will be held on January 28, 2004 at the Children’s Advocacy Center, 1000 S. Highlands Ave., Sebring, FL. Certified Minority Business Enterprises and others are encouraged to participate in the solicitation process.

**NOTICE TO CONSTRUCTION MANAGEMENT FIRMS**

Duval County Public Schools

Request for Qualifications (RFQ)

The Office of Facilities Planning and Construction announces that Construction Management services are required for the following project:

Project Number: C-90970

Project Title: Replacement of Arlington Middle School No. 213

Project Location: Arlington Middle School, 8141 Lone Star Road, Jacksonville, Florida 32211

RFQ’s ARE DUE ON OR BEFORE

FRIDAY, FEBRUARY 27, 2004

AND WILL BE ACCEPTED UNTIL 4:30 P.M.

The selected Construction Manager 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: This project will include construction of a new middle school at the North end of the existing Arlington Middle School site, demolition of existing middle school and construction of athletic facilities, and is budgeted not to exceed \$17,850,00.00.

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](http://www.educationcentral.org/facilities).

Applications are to be sent to:

Facilities Planning and Construction  
1701 Prudential Drive, 5th Floor  
Jacksonville, FL 32207-8182

PROJECT MANAGER: Tony Gimenez  
PHONE NO.: (904)390-2279

MBE GOALS: 10% AA – 3% HANA – 7% WBE

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Forms and Standards then under General Documents, Selection of Construction Manager.

**NOTICE TO CONSTRUCTION MANAGEMENT FIRMS**  
Duval County Public Schools  
Request for Qualifications (RFQ)

The Office of Facilities Planning and Construction announces that Construction Management services are required for the following project:

Project Number: C-90920

Project Title: New SED Building at Terry Parker High School No. 86

Project Location: Terry Parker High School, 7301 Parker School Road, Jacksonville, Florida 32211

RFQ's ARE DUE ON OR BEFORE  
TUESDAY, FEBRUARY 24, 2004

AND WILL BE ACCEPTED UNTIL 4:30 P.M.

The selected Construction Manager 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: This project will include construction of a new 15,000 square foot building with six classrooms, three resource rooms, administration area, and site improvements to include a parent pick up and bus loop and a new 3,500 square foot building with one small engine shop and a drafting lab, with the total construction budget not to exceed \$2,900,000.00.

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](http://www.educationcentral.org/facilities).

Applications are to be sent to:

Facilities Planning and Construction  
1701 Prudential Drive, 5th Floor  
Jacksonville, FL 32207-8182

PROJECT MANAGER: Tony Gimenez  
PHONE NO.: (904)390-2279

MBE GOALS: 10% AA – 5% HANA – 5% WBE

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Forms and Standards then under General Documents, Selection of Construction Manager.

**ADVERTISEMENT FOR BIDS**  
Invitation To Bid (ITB)

For a Asbestos Abatement Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 541, Jacksonville, Florida

BIDS ARE DUE ON OR BEFORE  
FEBRUARY 17, 2004

AND WILL BE ACCEPTED UNTIL 2:00 P.M.

OFFICIAL PROJECT TITLE: ASBESTOS REMOVAL SERVICES ON AN ANNUAL CONTRACT BASIS

DCPS PROJECT NO.: M-81850

SCOPE OF WORK: This project will consist of removing asbestos materials from various School Board Buildings and Schools on an as needed basis, with an estimated cost of \$500,000.00 annually. This will be an award contract for an initial period of one year with an option to renew for two additional one-year periods.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on February 4, 2004, at 2:00 p.m., Room 541, 5th Floor, 1701 Prudential Drive. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$50.00 at the office of:



GLE Associated, Inc.  
 9000 Cypress Green Drive  
 Suite 105, Wing B  
 Jacksonville, FL 32256

DCSB Point of Contact: Bruce Ackerman, 390-2220  
 Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL 32207.  
 MBE Participation Goal: 15%  
 The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

Request for Proposals  
 School Readiness Services  
 Solicitation #COL-04/05-001SRS

Competitive sealed proposals are being requested for school readiness services within Collier County, these services to include eligibility and provider payments; parent and child services; and provider development, support, and training. The anticipated total allocation to the Coalition from the Florida Partnership for School Readiness is \$4,925,360, based on availability of funds.

Letters of Intent to Bid are required and due February 23, 2004. A non-required Bidders Meeting will be held on February 23, 2004, at the Coalition Office. Sealed proposals will be received at the address below until 2:00 p.m. on March 29, 2004.

RFP specifications may be requested by contacting:

Patti Young, Executive Director  
 Collier School Readiness Coalition, Inc.  
 269 Airport Rd S  
 Naples FL 34104  
 Phone: (239)643-3418

Request for Proposals  
 Fiscal Agent Services  
 Solicitation #COL-04/05-002FIS

Competitive sealed proposals are being requested for fiscal agent services for the Collier School Readiness Coalition. The anticipated total allocation to the Coalition from the Florida Partnership for School Readiness is \$4,925,360, based on availability of funds.

Letters of Intent to Bid are required and due February 23, 2004. A Bidders Meeting will be held on February 23, 2004, at the Coalition Office. Sealed proposals will be received at the address below until 2:00 p.m. on March 29, 2004.

RFP specifications may be requested by contacting:

Patti Young, Executive Director  
 Collier School Readiness Coalition, Inc.  
 269 Airport Rd S  
 Naples FL 34104  
 Phone: (239)643-3418

Legal Notice

Request for Proposal

Competitive sealed proposals will be accepted by the Okeechobee County School Readiness Coalition, Inc. for the following services: Childcare Resource and Referral, Program Eligibility, Provider Reimbursement Services, Database Support, and Provider Recruitment and Support.

Sealed proposals will be received until March 12, 2004, 3:00 p.m. (EDT), at 1728 N. W. 9th Avenue, Okeechobee, FL 34972.

RFP Specifications will be available on January 26, 2004. A copy of the RFP may be obtained by contacting: Jodi Tucker, P. O. Box 1879, Okeechobee, FL 34973, phone (863)462-5792, or fax (863)462-5792. Reference RFP Number OCSR-03/04-001.

The Coalition reserves the right to reject any and all solicitations or ignore or correct minor irregularities when it is in the best interest of the Coalition.

**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**

**PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR MECHANICAL/ELECTRICAL/PLUMBING CONTINUING AREA CONTRACTS AREA 3**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from mechanical, electrical, and plumbing engineering firms to provide professional services in Area 3 counties of Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Levy, Marion, Nassau, Putnam, St. Johns, Union, Volusia and other counties as may be determined necessary by the owner.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction."

[http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**SARASOTA MEMORIAL HEALTH CARE SYSTEM**

ANNOUNCEMENT OF INTENT  
TO CONTRACT FOR FACILITY PLANNING  
PROFESSIONAL SERVICES  
FOR A MASTER FACILITY PLAN FOR THE  
SARASOTA MEMORIAL HEALTH CARE SYSTEM

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Healthcare Facility Planning Consulting Firms under the provisions of the Consultants’ Competitive Negotiation Act, Section 287.055, Florida Statutes. The scope of work may include existing conditions analysis, operational analysis, clinical volume projections, site analysis, programming, regulatory analysis, physical facility option development, cost estimating, implementation planning and graphic documentation of recommended schemes.

Firms qualified to submit include Architectural/Engineering firms with healthcare planning experience, hospital-planning consultants with demonstrated expertise in facility planning as well as strategic planning or an association of architectural design and healthcare planning firms. Firms interested in being considered as candidates are required to submit ten bound submittals 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 GSA Standard Forms 254 and 255.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified Small and/or Minority Business Enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.

Examples of relevant project experience including recent Master Facility Planning, Heart and Vascular Center planning, and Women’s and Children’s Center planning.

Any additional relevant information not specifically mentioned may be included at the discretion of the submitting firm.

The following are specific comments regarding the selection process as well as the minimum deliverables that will be required as work products of the consulting engagement.

1. As an outcome of this Request for Proposal, and in addition to the Master Facility Planning services described herein, Sarasota Memorial Health Care System (SMHCS) may elect to separately award two subparts of work described as follows:

- a) Subpart A – Preliminary Design Package for the Heart and Vascular Institute.
- b) Subpart B – Preliminary Design Package for the Women and Children’s Center

Each Preliminary Design Package will include the following scope:

- Analysis of Strategic objectives and development of a detailed space program suitable to begin Schematic Design
- Site analysis and selection
- Block plans showing physical arrangement of spaces.
- Preliminary Building exterior design and graphic representation
- Project Cost estimates
- Fund Raising Graphics

Based on the qualifications presented by those firms who may ultimately be short-listed, one firm may be selected to do the full scope of the work described herein including that work described in the two Preliminary Design Packages. However, SMHCS may award the complete scope of work minus the two subparts to one firm. In this case SMHCS would select one firm for both Preliminary Design Packages or two firms to individually provide services for each Preliminary Design Package.

2. SMHCS reserves the right to reject any or all submittals. No fewer than three qualified firms will be short-listed. The short-listed candidates may be asked to make final presentations to a selection committee.
3. Considerations in the selection of candidates include: the firm’s recent related experience, location and ability to respond rapidly, as well as qualifications of personnel.
4. The final product of all planning services shall include digital data in the form of disks (CD, floppy, etc.) All graphic data, other than graphs, will be documented in AutoCAD, 2000 format.
5. Deliverables as a minimum will include:
6. Strategic Objectives Summary
7. Analysis of Existing Conditions that may effect development (including existing space, the existing sites, code deficiencies, infrastructure deficiencies, as well as traffic and parking conditions.)
8. Operational Analyses
9. Work Load Analyses and projected utilizations
10. Outline Programs for all areas with the exception of the Heart and Vascular Institute, and the Women’s and Children’s Center each of which will require detailed space programs.

11. Campus Development Scenarios, including Main Campus, University Parkway, Blackburn Point, Taylor Ranch and Care Center East. (Sarasota Memorial Healthcare System my elect to have the Care Center East Development Scenarios done under a separate Scope of work coordinated with currently in progress design work related to the Care Center East Wellness Center)
12. Real estate analysis and recommendations for best use for all currently held properties.
13. Proposed Plans of the selected development scenarios.
14. Fund Raising Graphics for selected projects including the Women’s and Children’s Program, and the Heart and Vascular Institute.
15. Project Cost Projections for all proposed expansions and alterations.
16. Implementation plans, including phasing schedules for all proposed developments.
17. Questions regarding submissions shall be directed to Bill Shevlin, (941)917-1899 or Dan McDaniel, (941)917-2048.
18. Submissions shall be titled “Sarasota Memorial Healthcare System Master Facility Planning Qualifications” and shall be submitted no later than 3:30 p.m., February 17, 2004 at the office of:  
 Dan McDaniel  
 Director of Architecture and Facility Planning  
 Sarasota Memorial Hospital  
 Design and Construction Office  
 1833 Hawthorne Street  
 Sarasota, Florida 34239

**Section XII  
 Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTION 163.31777(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NO. 61-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Suwannee County, Branford, Live Oak and the Suwannee County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the North Central Florida RPC, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653-1603.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Suwannee County, Branford, Live Oak and the Suwannee County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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Charles Gauthier, AICP  
 Chief of Comprehensive Planning  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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DCA Final Order No.: DCA04-OR-003

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND DEVELOPMENT REGULATIONS ADOPTED BY ORDINANCE NO. 2003-32

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. (2002), 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 January 14, 2004, the Department received for review City of Marathon Ordinance No. 2003-32 that was adopted by the City of Marathon Board of City Commissioners on January 13, 2004 ("Ord. 2003-32"). Ord. 2003-32 amends Section 9.5-22 of the City of Marathon Code, by establishing an advisory planning commission, including its powers and duties, membership qualifications, member appointment and removal, and procedural guidelines for meetings, hearings, and voting. Ord. 2003-32 also makes provision for a representative of the local school board to participate as an ex officio member of the planning commission in accordance with § 163.3174, Fla. Stat. (2003).

3. Ord. 2003-32 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. (2002).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 2003-32 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. 2003-32 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. 2003-32 is not inconsistent with the remaining Principles. Ord. 2003-32 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2003-32 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT

WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, “PETITION FOR ADMINISTRATIVE PROCEEDINGS” WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of January, 2004.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable John Bartus, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

Katherine V. Selchan, City Clerk  
City of Marathon  
210 University Drive  
Coral Springs, Florida 33071

Scott Janke, City Manager, City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John R. Herin, Jr.  
Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.  
City Attorneys, City of Marathon  
2665 South Bayshore Drive, Suite 420  
Miami, Florida 33133

DCA Final Order No.: DCA04-OR-001

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF KEY WEST LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
CITY OF KEY WEST  
ORDINANCE NO. 04-01

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The City of Key West is a designated area of critical state concern.
- 2. On January 12, 2004, the Department received for review City of Key West Ordinance No. 04-01, which was adopted by the City of Key West City Commission on January 06, 2004 ("Ord. 04-01"). Ord. 04-01 amends Section 90-646 (Administration) of the Key West Code of Ordinances, clarifying notice requirements for first and subsequent public hearings.
- 3. Ord. 04-01 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2003).
- 7. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2003) and Rule 28-36.001, Fla. Admin. Code.
- 8. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 04-01 are land development regulations.
- 9. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.

10. Ord. 04-01 promotes and furthers the following Principles in subsection 28-36.003(1), F.A.C.:

- (a) To strengthen local government capabilities for managing land use and development.
- (h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

12. Ord. 04-01 is not inconsistent with the remaining Principles. Ord. 04-01 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-01 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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Valerie J. Hubbard, Director  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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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 RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

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 January, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:  
The Honorable Jimmy Weekley  
Mayor, City of Key West  
P. O. Box 1409  
Key West, Florida 33041

Cheryl Smith  
Clerk to the City Commission  
P. O. Box 1409  
Key West, Florida 33041

Robert Tischenkel  
City Attorney  
P. O. Box 1409  
Key West, FL 33041

DCA Final Order No.: DCA04-OR-002  
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
MONROE COUNTY  
ORDINANCE NO. 036-2003

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
- 2. On December 3, 2003, the Department received for review Monroe County Ordinance No. 036-2003 which was adopted by the Monroe County Board of County Commissioners on October 15, 2003 ("Ord. 036-2003"). The purpose of Ord. 036-2003 is to amend Section 9.5-309 of the

Monroe County Land Development Regulations. Ord. 036-2003 clarifies how the height of fences is measured and to allow fences in residential areas to exceed three (3) feet in height within the clear sight triangle of intersections, provided they are set back a minimum of ten (10) feet from the edge of the nearest paved surface.

3. Ord. 036-2003 is consistent with the County’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 036-2003 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 036-2003 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(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. 036-2003 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 036-2003 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT



REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of January 2004.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Murray Nelson  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

STATE ENERGY PROGRAM (SEP)  
NOTICE OF FUNDING AVAILABILITY

The Department of Energy announced funding availability for Federal Fiscal year 2004 under the State Energy Program Special Projects on January 15, 2004 for eligible applicants. All proposals are required to be submitted by the State Energy Office. Approximately 16,000,000 nationwide is available for award to eligible applicants to carry our eligible activities.

The proposals for Clean Cities Support (Category 01D), Clean Cities Ferry Demonstration (Category 01F), Clean Cities E-85 Fueling Network (Category 01G), Industrial Technologies Program (Category 02) and Building Codes and Standards (Category 03) are due to the Florida Energy Office by the close of business March 15, 2004.

The proposals for Clean Cities Niche Markets (Category 01A), Clean Cities School Buses (Category 01C), Rebuild America (Category 04), Building America (Category 05) and the Federal Energy Management Program (Category 06) are due to the Florida Energy Office by the close of business March 17, 2004.

The proposals for Clean Cities Refueling Infrastructure (Category 01B), Clean Cities Idle Reduction Technologies (Category 01E), Solar Technology (Category 07), State Wind Energy Support – Tall Towers (Category 08), Distributed Energy – Regional Application Centers (Category 09) and Biomass (Category 10) are due to the Florida Energy Office by the close of business March 19, 2004.

Proposals may either be hand delivered or sent by U. S. Mail or other licensed carrier and must be received on or before the deadline to Florida Energy Office, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #19, Tallahassee, Florida 32399-3000.

For further information, prospective applicants should contact: Essie Turner, Administrative Assistant, (850)245-2940 or via e-mail: [essie.turner@dep.state.fl.us](mailto:essie.turner@dep.state.fl.us). Interested parties may also address inquiries to the Florida Energy Office, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #19, Tallahassee, Florida 32399-3000.

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Memorial Hospital West, a private heliport, in Broward County, at Latitude 26-00-48.00N and Longitude 80-18-38W, to be owned and operated by Michael Schauer, 703 N. Flamingo Road, Pembroke Pines, Florida 33028.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

**ADMINISTRATIVE HEARING RIGHTS:** Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that three hot cut demonstrations have been scheduled in Docket No. 030851-TP, Implementation of Requirements Arising From FCC Triennial UNE Review: Local Circuit Switching for Mass Market Customers. These demonstrations are scheduled for the following date and times: 1) Wednesday, January 28, 2004, at 11:00 a.m., at the BellSouth Pine Castle Central Office 6621 S. Orange Ave., Orlando, FL 32809; 2) Wednesday, January 28, 2004, at 2:00

p.m., AT&T Switch Office, 1151 N. Keller Rd. (Suite C), Orlando, FL 32810; and 3) Thursday, January 29, 2004, at 8:30 a.m., Sweetwater Central Office located at 7502 Hillsborough Avenue, West, Tampa, FL 33615-4104.

The purpose of these demonstrations is to illustrate a practical showing of the current hot cut process used by BellSouth and Verizon to transfer mass market unbundled network loops (UNE-L) to non-ILEC switches. The BellSouth and Verizon demonstrations should cover current hot cut procedures, differences in the hot cut procedures between central offices, current and future anticipated hot cut volumes, and established contingency plans to handle growth in volumes. The AT&T demonstration should cover receipt of the hot cut, and the process for connecting the loop to a CLEC switch.

All interested parties wishing to attend the demonstrations in Orlando and Tampa must notify Jeremy Susac, (850)413-6236 or Lisa Harvey, (850)413-6806, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, by January 23, 2004. A list of names of all participants will be needed for security purposes while present at the central offices.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Osceola District: 7  
 ID #: 0300018 Decision: A Issue Date: 1/14/2004  
 Facility/Project: Florida Hospital - Kissimmee  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: Add 10 acute care beds to the existing 50 acute care beds

Proposed Project Cost: \$365,000  
 County: Duval District: 4  
 ID #: 0300020 Decision: A Issue Date: 1/15/2004  
 Facility/Project: Memorial Hospital Jacksonville  
 Applicant: Memorial Health Care Group, Inc.  
 Project Description: Add 34 acute care beds to the existing 343 acute care beds  
 Proposed Project Cost: \$433,200

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted the proposed revision of an existing policy for review and comment on MyFlorida.com at:

<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>

Quality Assurance "Deemed" Status Policy FDJJ-1709.03 (department-wide policy type B) – recognizes that all programs of any model and detention centers strive to exceed in all programming areas. Therefore, the Department will grant special consideration to any contracted or state operated program which achieves an annual overall quality assurance (QA) performance rating at the 80% level or higher and at least a 90% compliance rating in each key programming area. This special consideration will be for a period of at least two years following the qualifying review and will be in the form of abbreviated subsequent reviews and other prerequisites.

This is the first of two 20 working day review and comment periods. The closure date for submission of comments on this policy is February 26, 2004. Note: The 20 working day review and comment period now commences with the publication of this notice in the FAW. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

**DEPARTMENT OF HEALTH**

On January 16, 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 Angel Frances Wright, LPN, CNA, license number PN 1318611 and certificate number CNA 0495\*\*\*\*9440. 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.

**SECURITIES GUARANTY FUND**

CORRECTED NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Regulation, on December 17, 2002, issued a Notice of Intent to Enter a Final Order Denying Recovery from the Securities Guaranty Fund and Notice of Rights in Administrative Proceeding No. 0028-S-04/03 to Redstone Securities, Inc., CRD#19628 and Peter Boudouvas, CRD#2302127. The previous notice published in the November 7, 2003 issue of the Florida Administrative Weekly stated "Notice of Intent to Enter a Final Order Approving Recovery," should be corrected to read "Notice of Intent to Enter a Final Order Denying

Recovery." Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk  
Department of Financial Services  
Office of Financial Regulation  
Suite 526, Fletcher Building  
200 East Gaines Street  
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE OFFICE WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

**DEPARTMENT OF FINANCIAL SERVICES****NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 20, 2004):

**APPLICATION TO MERGE**

Constituent Institutions: Capital City Bank, Tallahassee, Florida, and Quincy State Bank, Quincy, Florida

Resulting Institution: Capital City Bank

Received: January 13, 2004

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Republic Bank, St. Petersburg, Florida

Proposed Purchaser: BB&T Corporation, Winston-Salem, North Carolina

Received: January 12, 2004

APPLICATION TO MERGE

Constituent Institutions: United Heritage Bank, Orlando, Florida, and Community United Bank of Florida, Lake Mary, Florida  
Resulting Institution: United Heritage Bank  
Received: January 16, 2004

Notice of Worker Compensation Judicial Vacancy  
Miami District Office  
Dated January 7, 2004

The Statewide Nominating Commission for Judges of Compensation Claims announces that it is accepting applications for the Judge of Compensation Claims vacancy in the Miami District office. This vacancy has been created by the Governor Bush's appointment of Judge Maria Ortiz to the county court bench.

Qualified applicants must deliver the original completed application and one copy to the Chairperson, and one additional copy must be submitted to each Commission member, no later than 5:00 p.m. on February 16, 2004. Fax or emailed applications will not be accepted.

A public hearing to conduct interviews for this opening shall take place on Monday, March 1, 2004, at 9:00 a.m., at the Hyatt Regency Miami, 400 S. E. 2d Avenue, Miami, FL.

Applications and the list of Commission members may be obtained from the Commission chairperson. Any questions or requests for applications should be directed to Victor Marrero, Commission chairperson, Vice President, Marsh USA, Inc., 1560 Sawgrass Corporate Parkway, Suite 300, Sunrise, FL 33345-9010, telephone (954)838-3451, facsimile (954)838-3700.

Notice of Worker Compensation Commission Vacancy  
Dated January 7, 2004

The Statewide Nominating Commission for Judges of Compensation Claims announces that it is accepting applications from interested persons to fill two open Commission appointed positions on their Commission. One opening requires the appointee to be a qualified person residing in the jurisdiction of the Second District Court of Appeal, and the other opening requires the appointee to be a qualified person residing in the jurisdiction of the Fourth District Court of Appeal. Pursuant to Section 440.45, Fla. Stat., at least one of the Commission appointed positions must be a member of a minority group as defined in Section 288.703(3), Fla. Stat. Each appointment shall be for a 4-year term.

No attorney who appears before any judge of compensation claims more than four times a year is eligible to serve on the statewide nominating commission.

Qualified applicants must deliver the original completed application and one copy to the Chairperson, and one additional copy must be submitted to each Commission member, no later than 5:00 p.m. on February 16, 2004. Fax or emailed applications will not be accepted.

A public hearing at which these openings will be filled shall take place on Monday, March 1, 2004, at 9:00 a.m., at the Hyatt Regency Miami, 400 S. E. 2d Avenue, Miami, FL.

Applications for these positions and the list of Commission members to receive the applications may be obtained from the Commission chairperson. Any questions or requests for applications should be directed to Victor Marrero, Commission chairperson, Vice President, Marsh USA, Inc., 1560 Sawgrass Corporate Parkway, Suite 300, Sunrise, FL 33345-9010, telephone (954)838-3451, facsimile (954)838-3700.

Notice of Worker Compensation Judicial Vacancy  
Tampa District Office  
Dated January 7, 2004

The Statewide Nominating Commission for Judges of Compensation Claims announces that it is accepting applications for the Judge of Compensation Claims vacancy in the Tampa District office. This vacancy has been created by the announced retirement of Judge William Douglas, effective upon his term expiration on March 6, 2004.

Qualified applicants must deliver the original completed application and one copy to the Chairperson, and one additional copy must be submitted to each Commission member, no later than 5:00 p.m. on February 16, 2004. Fax or emailed applications will not be accepted.

A public hearing to conduct interviews for this opening shall take place on Monday, March 8, 2004, at 9:00 a.m., at the Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL.

Applications and the list of Commission members may be obtained from the Commission chairperson. Any questions or requests for applications should be directed to Victor Marrero, Commission chairperson, Vice President, Marsh USA, Inc., 1560 Sawgrass Corporate Parkway, Suite 300, Sunrise, FL 33345-9010, telephone (954)838-3451, facsimile (954)838-3700.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

					Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN January 12, 2004 and January 16, 2004					60Y-4.010	1/16/04	2/5/04	29/50	
					60Y-4.011	1/16/04	2/5/04	29/50	
					60Y-4.012	1/16/04	2/5/04	29/50	
Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	60Y-4.013	1/16/04	2/5/04	29/50	
					60Y-4.014	1/16/04	2/5/04	29/50	
					60Y-4.016	1/16/04	2/5/04	29/50	
<b>DEPARTMENT OF STATE</b>					60Y-4.017	1/16/04	2/5/04	29/50	
<b>Division of Elections</b>					60Y-4.018	1/16/04	2/5/04	29/50	
1S-2.037	1/13/04	2/2/04	29/50		60Y-4.019	1/16/04	2/5/04	29/50	
1S-2.038	1/13/04	2/2/04	29/50		60Y-4.020	1/16/04	2/5/04	29/50	
<b>DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES</b>					60Y-4.021	1/16/04	2/5/04	29/50	
<b>Division of Food Safety</b>					60Y-4.022	1/16/04	2/5/04	29/50	
5K-4.002	1/16/04	2/5/04	29/43		60Y-4.023	1/16/04	2/5/04	29/50	
<b>AGENCY FOR HEALTH CARE ADMINISTRATION</b>					60Y-4.024	1/16/04	2/5/04	29/50	
<b>Medicaid Program Office</b>					60Y-4.025	1/16/04	2/5/04	29/50	
59G-6.020	1/12/04	2/1/04	29/48		60Y-4.026	1/16/04	2/5/04	29/50	
59G-6.080	1/12/04	2/1/04	29/32	29/44	60Y-4.027	1/16/04	2/5/04	29/50	
<b>DEPARTMENT OF MANAGEMENT SERVICES</b>					60Y-5.001	1/16/04	2/5/04	29/50	
<b>Florida Commission on Human Relations</b>					60Y-5.0011	1/16/04	2/5/04	29/50	
60Y-1.002	1/16/04	2/5/04	29/50		60Y-5.003	1/16/04	2/5/04	29/50	
60Y-4.003	1/16/04	2/5/04	29/50		60Y-5.004	1/16/04	2/5/04	29/50	
60Y-4.004	1/16/04	2/5/04	29/50		60Y-5.005	1/16/04	2/5/04	29/50	
60Y-4.005	1/16/04	2/5/04	29/50		60Y-5.006	1/16/04	2/5/04	29/50	
60Y-4.006	1/16/04	2/5/04	29/50		60Y-5.008	1/16/04	2/5/04	29/50	
60Y-4.007	1/16/04	2/5/04	29/50		60Y-8.001	1/16/04	2/5/04	29/50	
60Y-4.008	1/16/04	2/5/04	29/50		60Y-9.001	1/16/04	2/5/04	29/50	
60Y-4.009	1/16/04	2/5/04	29/50		60Y-9.005	1/16/04	2/5/04	29/50	
					60Y-9.007	1/16/04	2/5/04	29/50	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

61G4-17.001	1/13/04	2/2/04	29/38	29/50
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**Board of Professional Engineers**

61G15-23.001	1/16/04	2/5/04	29/48	
61G15-23.002	1/16/04	2/5/04	29/48	

**Florida Real Estate Commission**

61J2-2.029	1/15/04	2/4/04	29/44	
61J2-2.032	1/15/04	2/4/04	29/44	
61J2-3.011	1/15/04	2/4/04	29/44	
61J2-4.007	1/15/04	2/4/04	29/44	
61J2-4.010	1/15/04	2/4/04	29/44	
61J2-10.022	1/15/04	2/4/04	29/44	
61J2-10.029	1/15/04	2/4/04	29/44	
61J2-14.009	1/16/04	2/5/04	29/44	
61J2-14.010	1/16/04	2/5/04	29/45	
61J2-14.011	1/16/04	2/5/04	29/44	
61J2-24.001	1/16/04	2/5/04	29/45	
61J2-24.002	1/16/04	2/5/04	29/45	
61J2-24.005	1/16/04	2/5/04	29/45	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

64B3-2.002	1/12/04	2/1/04	29/50	
64B3-2.003	1/12/04	2/1/04	29/50	
64B3-3.001	1/13/04	2/2/04	29/50	

**Board of Medicine**

64B8-52.005	1/14/04	2/3/04	29/43	
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**Board of Opticianry**

64B12-11.003	1/12/04	2/1/04	29/50	
64B12-11.015	1/12/04	2/1/04	29/46	

**Board of Speech-Language Pathology and Audiology**

64B20-4.002	1/13/04	2/2/04	29/42	
64B20-4.003	1/13/04	2/2/04	29/42	

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-1.704	1/15/04	2/4/04	29/44	
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**Mental Health Program**

65E-5.601	1/12/04	2/1/04	29/37	29/48
65E-5.602	1/12/04	2/1/04	29/37	29/48