

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

RULE TITLE: Licensed Firearms Instructors; Schools or Training Facilities; License Application  
 RULE NO.: 5N-1.134

PURPOSE AND EFFECT: The purpose is to amend rules relating to schools or training facilities that offer classes required for security and recovery agents (repossessors) to be licensed. The effect is that schools operating programs for tuition or a fee will no longer have to submit Department of Education approval to the Division of Licensing.

SUBJECT AREA TO BE ADDRESSED: Department of Education approval of security and recovery school training programs.

SPECIFIC AUTHORITY: Laws of Florida, s. 249, ch. 2002-387, codified at s. 1005.06(1)(g) FS.

LAW IMPLEMENTED: 493.6304(3), 493.6406(3) FS.

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

TIME AND DATE: 10:00 a.m., March 22, 2004

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kristi Reid Bronson, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)488-3492, Fax (850)488-2789

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Standards and Procedures for Licensure  
 RULE NO.: 6E-2.004

PURPOSE AND EFFECT: The Commission proposes development to the rules to address deleting of unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Standards and Procedures of Licensure.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.004 Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

- (1) through (10) No change.
- (11) Standard 11: Publications and Advertising.
  - (a) No change.
  - (b) Catalog.
    - 1. No change.

2. Each institution shall publish and provide to each enrolled student a catalog. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

- a. through r. No change.
- s. A complete explanation of the standards of satisfactory academic ~~progress process~~. This policy shall include, at a minimum: Minimum grades and/or standards considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory progress;

t. through y. No change.

~~z. A description of the institution's policy regarding satisfying academic progress;~~

aa. through ee. renumbered z. through dd. No change.

3. No change.

(c) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, \_\_\_\_\_.

**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**

**South Florida Water Management District**

RULE TITLE: Forms and Instructions  
 PURPOSE AND EFFECT: To update, revise and correct forms incorporated by reference, to delete unnecessary information, to adopt mitigation bank financial assurance forms, and to delete a form that is obsolete.

SUBJECT AREA TO BE ADDRESSED: The forms which the South Florida Water Management District (SFWMD) uses in dealing with the public concerning environmental resource, water use, and well construction permitting are incorporated by reference in subsection 40E-1.659(1), F.A.C., as required by Section 120.55(1)(a)4., F.S. The South Florida Water Management District proposes to adopt Mitigation Bank Financial Assurance forms; to delete Form 0938 (Mitigation Construction Commencement Notice); and to amend Form Numbers: 0123 (Well Construction Permit Application), 0483 (Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer), 0889 (Certification of Waiver of Permit Application Processing Fee), 0920 (Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity), 0960 (Environmental Resource/Surface Water Management Permit Construction Commencement Notice), and 0961 (Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction).

SPECIFIC AUTHORITY: 120.53, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.53, 373.113 FS.

RULE NO.: 40E-1.659

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.

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

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PROPOSED FORMS ARE AVAILABLE ON THE DISTRICT'S WEBSITE AT: [http://www.sfwmd.gov/org/reg/news/erp\\_rulemaking/erp\\_rulemaking.htm](http://www.sfwmd.gov/org/reg/news/erp_rulemaking/erp_rulemaking.htm)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues – Ralph Fanson, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6921 or (561)682-6921 (internet: [rfanson@sfwmd.gov](mailto:rfanson@sfwmd.gov)); For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299 (internet: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov))

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works <del>or</del> and Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.

0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District	0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
			0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0123	<del>4-95</del> <del>4-04</del>	Well Construction Permit Application	0645-G71	8-03	Table I Water Treatment Method and Losses
0124	11-90	Well Completion Report			Table J Aquifer Storage and Recovery
0145	8-95	Environmental Resource Permit No.	0645-G72	8-03	Table K Water Supply System Interconnections
0157	8-95	Environmental Resource Permit Modification No.	0645-G73	8-03	Guidance for Preparing an Application for a “Works of the District” Permit in the Everglades/Application for a Works of the District Permit
0188-QMQ	8-03	Quarterly Report of Withdrawals	0779	5-92	Special Use Application and License
0188-MDQ	8-03	Monthly Report of Daily Withdrawals			Environmental Resource/Surface Water Management Permit
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells	0830	4-94	Construction Completion Certification
0188-QMON	8-03	Quarterly Report of Monitoring Requirements	0881A	9-03	Environmental Resource/Surface Water Management Permit
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps	0881B	9-03	Construction Completion Certification – For Projects Permitted Prior to October 3, 1995
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops			Certification of Waiver of Permit Application Processing Fee
0195	6-91	Public Water Supply Well Information and Classification	0889	<del>8-95</del>	Request for Conversion of <u>District</u> Environmental Resource Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0196	10-89	Water Well Inspection Scheduling Card	0920	<del>8-95</del>	<del>Mitigation Construction Commencement Notice</del>
0299	1-90	Water Use Permit No.			Environmental Resource Standard/Noticed General Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities			Surface Water Management General Permit No.
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)	<del>0938</del>	<del>8-95</del>	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0483	<del>8-95</del>	Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer	0941	8-95	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
			0942	8-95	
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)	0960	<del>8-95</del>	
0645-G60	8-03	Table A Descriptions of Wells			
0645-G61-1	8-03	Table B Description of Surface Water Pumps	0961	<del>8-95</del>	
0645-G61-2	8-03	Table C Description of Culverts			
0645-G65	8-03	Table D Crop Information			
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities			

0970	8-95	Applicant Transmittal Form for Requested Additional Information
0971	8-95	Joint Application for Environmental Resource Permit Authorization to Use State Owned Submerged Lands /Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
<u>1019</u>	_____	<u>Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance</u>
<u>1020</u>	_____	<u>Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance</u>
<u>1021</u>	_____	<u>Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance</u>
<u>1022</u>	=====	<u>Mitigation Bank Trust Fund Agreement To Demonstrate Construction/Implementation Financial Assurance</u>
<u>1023</u>	=====	<u>Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance</u>
<u>1024</u>	_____	<u>Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance</u>
1105	6-02	Performance Bond to Demonstrate Financial Assurance
1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance
1109	8-03	Water Use General Permit

- (b) Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901;
- (c) Okeechobee Service Center, 205 North Parrott Ave., Suite 201, P. O. Box 2033, Okeechobee, FL 34973-2033;
- (d) Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809;
- (e) Miami/Dade Regional Service Center, 172A W. Flagler Street, Miami, FL 33130;
- (f) Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109; and
- (g) West Palm Beach Service Center, 3301 Gun Club Road, West Palm Beach, FL 33406.

Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 120.53, 373.113 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03,

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Publications, Rules and Interagency Agreements Incorporated

RULE NO.:

by Reference 40E-4.091

PURPOSE AND EFFECT: To amend the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District” incorporated by reference in Rule 40E-4.091, F.A.C., to include references to forms that are proposed to be adopted and incorporated by reference in Rule 40E-1.659, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District” incorporated by reference in Rule 40E-4.091, F.A.C., will include references to Mitigation Bank Financial Assurance forms that are proposed to be adopted and incorporated by reference in Rule 40E-1.659, F.A.C.

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

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

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.

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

(2) The forms and instructions listed in subsection (1) are available without cost from the following District Service Centers upon request:

- (a) Florida Keys Service Center, 80431 Old Hwy., Islamorada, FL 33036;





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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Acupuncture Program Requirements  
 RULE NO.: 64B1-4.001  
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments or new language is necessary.  
 SUBJECT AREA TO BE ADDRESSED: Acupuncture program requirements.  
 SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 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: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Applications  
 RULE NO.: 64B8-4.009  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address continuing medical education for the purpose of initial licensure relating to the five most misdiagnosed conditions.  
 SUBJECT AREA TO BE ADDRESSED: Continuing medical education for the purpose of initial licensure relating to the five most misdiagnosed conditions.  
 SPECIFIC AUTHORITY: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.  
 LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B8-4.009 Applications.
- (1) through (7) No change.
- (8) The applicant must submit statements attesting to the following:
  - (a) through (b) No change.
  - (c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.
- (9) through (10) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Continuing Education for Biennial Renewal  
 RULE NO.: 64B8-13.005  
 PURPOSE AND EFFECT: The Board proposed a rule amendment to address continuing education regarding the five most misdiagnosed conditions.  
 SUBJECT AREA TO BE ADDRESSED: Continuing education regarding the five most misdiagnosed conditions.

SPECIFIC AUTHORITY: 456.013(6),(7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (d) No change.

(e) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(2) through (11) No change.

Specific Authority 456.013(6),(7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

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

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would add a requirement that high school diplomas be from accredited institutions.

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

LAW IMPLEMENTED: 456.017, 478.45 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:

64B8-51.002 Licensure by Examination.

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

(a) through (b) No change.

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

(d) through (g) No change.

(2) through (3) No change.

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLES: Administrative Definitions  
RULE NO.: 65A-1.203

PURPOSE AND EFFECT: The proposed rule amendment will revise forms incorporated by reference in the rule and incorporate another form by reference for the first time. Additionally, it provides clarification on the eligibility determination process.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment revises the Common Application Form and Request for Assistance (RFA) forms referenced in rule and



incorporates by reference, a simplified Common Application Form and Eligibility Questionnaire that can be combined with the RFA to apply for public assistance. Additionally, it clarifies definitions related to the eligibility process.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.212, 409.903, 409.904, 410.033, 414.095, 414.31 FS.

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

TIME AND DATE: 9:00 a.m., March 16, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Angela Wiggins, Welfare Reform Program Administrator, 1317 Winewood Boulevard, Building 3, Room 105, Tallahassee, Florida 32399-0700, (850)414-5643

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Eligibility Determination Process

RULE NO.: 65A-1.205

PURPOSE AND EFFECT: The proposed rule amendment clarifies the department’s eligibility processing procedures applicable to all programs.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for the use of a simplified Common Application Form and Eligibility Questionnaire form that can be combined with the Request for Assistance form to apply for public assistance; a waiver of the face-to-face interview due to hardship at application and eligibility redetermination; and, clarify that the periodic interval and process for eligibility redetermination will be in accordance with federal regulations for the applicable program.

SPECIFIC AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Angela

Wiggins, Welfare Reform Program Administrator, 1317 Winewood Boulevard, Building 3, Room 105, Tallahassee, Florida 32399-0700, (850)414-5643

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: Use of Credit Reports and Credit Scores by Insurers

RULE NO.: 69O-125.005

PURPOSE AND EFFECT: The proposed rule implements the provisions of Section 626.9741, F.S. created by Senate Bill 40-A, which address compliance; statistical detail standards to ensure that rates or premiums associated with credit reports or scores are not unfairly discriminatory; and standards for review of models, methods, programs, or other processes that produce credit scores to determine that they are not unfairly discriminatory. The rule establishes standards and requirements for the use of credit reports or scores by insurers. SUBJECT AREA TO BE ADDRESSED: Standards and requirements for the use of credit reports or scores by insurers. SPECIFIC AUTHORITY: 624.308(1), 626.9741(8) FS.

LAW IMPLEMENTED: 624.307(2), 626.9741 FS.

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

TIME AND DATE: 10:00 a.m., March 22, 2004

PLACE: Burns Auditorium, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael Milnes, Senior Management Analyst/Supervisor, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, e-mail: milnesm@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69O-125.005 Use of Credit Reports and Credit Scores by Insurers.

(1) For the purpose of this rule, the following definitions apply:

(a) "Applicant", for purposes of Section 626.9741, F.S., means an individual whose credit report or score is requested for underwriting or rating purposes, and shall include individuals who have requested a quote.

(b) "Credit scoring methodology" means any methodology that uses credit reports or credit scores, in whole or in part, for underwriting or rating purposes.

(c) "Data cleansing" means the correction or enhancement of presumed incomplete, incorrect, missing, or improperly formatted information.

(d) "Personal lines motor vehicle" insurance means insurance against loss or damage to any motorized land vehicle or any loss, liability, or expense resulting from or incidental to ownership, maintenance or use of such vehicle if the contract of insurance shows one or more natural persons as named insureds.

1. The following are not included in this definition:

a. Vehicles used as public livery or conveyance,

b. Vehicles rented to others,

c. Vehicles with more than four wheels,

d. Vehicles used primarily for commercial purposes, and

e. Vehicles with a net vehicle weight of more than 5,000 pounds designed or used for the carriage of goods (other than the personal effects of passengers) or drawing a trailer designed or used for the carriage of such goods.

2. The following are specifically included, inter alia, in this definition:

a. Motorcycles,

b. Motor homes,

c. Antique or classic automobiles, and

d. Recreational vehicles.

(e) "Personal lines residential" insurance means homeowners, mobile homeowners, dwelling, tenants, condominium unit owners, cooperative unit owners and all property insurance covering real or personal property used for residential purposes and having one or more natural persons as named insureds. Apartment building owners and similar policies are not included in this definition.

(f) "Unfairly discriminatory" means adverse decisions resulting from the use of a credit scoring methodology that have a disparate impact on persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S. A credit scoring methodology that disproportionately affects any such class of persons has a disparate impact and is unfairly discriminatory.

(2) Insurers may not use any credit scoring methodology that is unfairly discriminatory. The burden of demonstrating that the credit scoring methodology is not unfairly discriminatory is upon the insurer.

(3) An insurer may not request or use a credit report or credit score in its underwriting or rating method unless it maintains and adheres to established written procedures that reflect the restrictions set forth in the federal Fair Credit Reporting Act, Section 626.9741, F.S., and these rules.

(4) Insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall include the following information in filings submitted pursuant to Section 627.062 or 627.0651, F.S.:

(a) A listing of the types of individuals whose credit reports or scores the company will use or attempt to use to underwrite or rate a given policy. For example:

1. Person signing application,

2. Named insured or spouse

3. All listed operators; and

(b) How those individual reports or scores will be combined if more than one is used. For example:

1. Average score used

2. Highest score used.

(c) The name(s) of the consumer reporting agencies or any other third party vendors from which the company will obtain or attempt to obtain credit reports or scores.

(d) Precise identifying information specifying or describing the credit scoring methodology, if any, the company will use including:

1. Common or trade name;

2. Version, subtype, or intended segment of business the system was designed for; and

3. Any other information needed to distinguish a particular credit scoring methodology from other similar ones, whether developed by the company or by a third party vendor.

(e) The effect of particular scores or ranges of scores (or, for companies not using scores, the effect of particular items appearing on a credit report) on any of the following:

1. Rate or premium charged for a policy of insurance

2. Placement of an insured or applicant in a rating tier,

3. Placement of an applicant or insured in a company within an affiliated group of insurance companies, or

4. Decision to refuse to issue or renew a policy of insurance or to issue a policy with exclusions or restrictions or limitations in payment plans.

(f) The effect of the absence or insufficiency of credit history on any items listed in paragraph (e) above.

(g) The manner in which collection accounts identified with a medical industry code on a consumer's credit report will be treated in the underwriting or rating process or within any credit scoring methodology used.

(h) The manner in which collection accounts that are not identified with a medical industry code, but which an applicant or insured demonstrates are the direct result of significant and

extraordinary medical expenses, will be treated in the underwriting or rating process or within any credit scoring methodology used.

(i) The manner in which the following will be treated in the underwriting or rating process, or within any credit scoring methodology used:

1. Credit inquiries not initiated by the consumer;

2. Requests by the consumer for the consumer's own credit information;

3. Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another.

4. Multiple lender inquiries that are not coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another, but that an applicant or insured demonstrates are the direct result of such inquiries.

5. Inquiries relating to insurance coverage, if so identified on a consumer's credit report.

6. Inquiries relating to insurance coverage that are not so identified on a consumer's credit report, but which an applicant or insured demonstrates are the direct result of such inquiries.

(j) The list of all clear and specific primary reasons that may be cited to the consumer as the basis or explanation for an adverse decision.

(k) A certification that the insurer will correct any error in premium charged the insured, or in underwriting decision made concerning the insured, if the basis of the premium charged or the decision made is a disputed item that is later removed from the credit report, provided that the insured first notifies the insurer that the item has been removed.

1. The correction shall be applied retroactively for any policy term commencing on or after one year prior to the date the insured notifies the insurer that the item has been removed and for which the insurer used the erroneous information. The corrected information shall be used in premium computation or underwriting for the current and future policy terms.

2. A declination of an application for an insurance policy that was properly accompanied by specific reasons as required by Section 627.4091, F.S., is not required to be reversed retroactively, but the insurer shall extend an offer of insurance to that applicant as soon as practical after the error is known to the insurer, if the applicant is eligible under the applicable underwriting guidelines filed pursuant to Section 627.0651, F.S.

(l) A certification that no use of credit reports or scores in rating insurance will apply to any component of a rate or premium attributed to hurricane coverage for residential properties as separately identified in accordance with Section 627.0629, F.S.

(5) Insurers desiring to make adverse decisions based on the absence or insufficiency of credit history shall either:

(a) Treat such consumers or applicants as otherwise approved by the Office of Insurance Regulation if the insurer presents information that such an absence or inability is related to the risk for the insurer and does not result in a disparate impact on persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S. The information shall include:

1. Data comparing experience for those with absent or insufficient credit history to each category of insureds separately treated with respect to credit and having sufficient credit history;

2. A valid method of analysis that concludes that the relationship between absence or insufficiency and the risk assumed is not due to chance;

3. A valid method of analysis that concludes that absence or insufficiency of credit history does not disparately impact persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S.;

4. A valid method of analysis that confirms that the treatment proposed by the insurer is quantitatively appropriate; and

5. Statistical tests establishing that the treatment proposed by the insurer is warranted for the total of all consumers with absence or insufficiency of credit history.

(b) Treat such consumers as if the applicant or insured had neutral credit information, as defined by the insurer. Should an insurer fail to specify a definition, neutral is defined as the average score that a stratified random sample of consumers or applicants having sufficient credit history would attain using the insurer's credit scoring methodology; or

(c) Exclude credit as a factor and use other criteria. These other criteria must be specified by the insurer and must not result in average treatment any less favorable than the treatment of average consumers or applicants having sufficient credit history.

(6) Insurers desiring to make adverse decisions based on information contained in a credit report or score shall file with the Office information establishing that the results of such decisions do not correlate so closely with the zip code of residence of the insured as to constitute a decision based on place of residence of the insured.

(7)(a) Insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall develop, maintain, and adhere to written procedures providing appeals for applicants or insureds whose credit reports or scores are unduly influenced by dissolution of marriage, death of a spouse, or temporary loss of employment.

(b) These procedures shall be subject to examination by the Office at any time.

(8)(a)1. Insurers using credit reports or credit scoring in rating shall develop, maintain, and adhere to written procedures to review the credit history of an insured who was adversely affected by such use at initial rating of the policy or subsequent renewal thereof.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. A review shall be conducted:

(I) No later than 2 years following the date of any adverse decision, or

(II) Any time, at the request of the insured.

b. The insurer shall notify the named insureds at each renewal of the policy of their right to request the review in (II) above. Renewal notices issued 120 days or less after the effective date of this rule are not included in this requirement.

c. The insurer shall adjust the premium to reflect any improvement in credit history no later than the first renewal date that follows a review of credit history.

d. The review shall not be used by the insurer to cancel, refuse to renew, or require a change in the method of payment or payment plan based on credit history.

(b)1. As an alternative to the requirements in paragraph (8)(a), insurers using credit reports or scores at the inception of a policy but not for re-underwriting shall develop, maintain, and adhere to written procedures.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. Insureds shall be reevaluated no later than 3 years following policy inception based on allowable underwriting or rating factors, excluding credit information.

b. The rate or premium charged to an insured shall not be greater, solely as a result of the reevaluation, than the rate or premium charged for the immediately preceding policy term. This shall not be construed to prohibit an insurer from applying regular underwriting criteria or general rate increases to the premium charged.

c. For insureds that received an adverse decision notification at policy inception, no residual effects of that adverse decision shall survive the reevaluation. This means that the reevaluation must be thoroughgoing enough to make it possible for insureds adversely impacted at inception to attain the lowest available rate for which comparable insureds are eligible, considering only allowable underwriting or rating factors (excluding credit information).

(9) No credit scoring methodology shall be used unless that method has been demonstrated to be a valid predictor of the insurance risk to be assumed by an insurer for the applicable type of insurance. A demonstration of validity shall include:

(a) A listing of the persons that contributed substantially to the development of the most current version of the method, including resumes of the persons, if obtainable, indicating their qualifications and experience in similar endeavors.

(b) An enumeration of all data cleansing techniques that have been used in the development of the method, which shall include:

1. The nature of each technique;

2. Any biases the technique might introduce; and

3. The prevalence of each type of invalid information prior to correction or enhancement.

(c) All data input that was used by the model developers in the derivation and calibration of the model parameters.

1. Data shall be in sufficient detail to permit the Office to conduct multiple regression testing for validation of the credit scoring methodology.

2. Data, including field definitions, shall be supplied in electronic format compatible with the software used by the Office.

(d) Statistical results showing that the model and parameters are predictive and not overlapping or duplicative of any other variables used to rate an applicant to such a degree as to render their combined use actuarially unsound. Such results shall include the period of time for which each element from a credit report is used.

(e) A precise listing of all elements from a credit report that are used in scoring, and the formula used to compute the score, including the time period during which each element is used.

(f) An assessment by a qualified actuary, economist, or statistician other than persons who contributed substantially to the development of the credit scoring methodology, concluding that there is a significant statistical correlation between the scores and frequency or severity of claims. The assessment shall:

1. Identify the person performing the examination and show his or her educational and professional experience qualifications; and

2. Include a test of robustness of the model, showing that it performs approximately as well on a sufficiently credible validation data set as it does on the data set from which it was developed.

(g) Documentation consisting of statistical and scientific testing of the application of the credit scoring model to determine whether it results in a disparate impact on persons belonging to the classes set forth in Section 626.9741(8)(c), F.S. A model that disproportionately affects any such class of persons has a disparate impact and is unfairly discriminatory.

1. Statistical analysis shall be performed on the current insureds of the insurer using the proposed credit scoring model, and shall include the raw data and detailed results on each classification set forth in Section 626.9741(8)(c), F.S.

2. Insurers may also submit statistical studies and analyses that have been performed by educational institutions, independent professional associations, or other reputable entities recognized in the field, that indicate that there is no disparate impact on the classes set forth in Section 626.9741(8)(c), F.S. attributable to the use of credit reports or scores. Any such studies shall be shown to be applicable to the specific proposed credit scoring model.

3. The Office will utilize generally accepted statistical analysis principles in reviewing studies submitted which support the insurer's analysis that the credit scoring model does not disproportionately impact any class based upon race, color, religion, marital status, age, gender, income, national origin, or place of residence. The Office will permit reliance on such studies only to the extent that they permit independent verification of the results.

4. A credit scoring model that has a disparate impact is not a valid predictor of insurance risk and shall not be used.

(h) The testing or validation results obtained in the course of the assessment in paragraphs (d) and (f) above.

(i) Internal Insurer data that validates the premium differentials proposed based on the scores or ranges of scores.

1. Industry or countrywide data may be used to the extent that the Florida insurer data lacks credibility. Insurers using industry or countrywide data for validation shall supply Florida insurer data and demonstrate that generally accepted actuarial standards would allow reliance on each set of data to the extent the insurer has done so.

2. Validation data including claims on personal lines residential insurance policies that are the result of acts of God shall not be used unless such acts occurred prior to January 1, 2004.

3. The mere copying of another company's system will not fulfill the requirement to validate proposed premium differentials unless the filer has used a method or system for less than 3 years and demonstrates that it is not cost effective to retrospectively analyze its own data.

(k) An explanation of how the credit scoring methodology treats discrepancies in the information that could be obtained from different consumer reporting agencies: Equifax, Experian, or TransUnion. This shall not be construed to require insurers to obtain multiple reports for each insured or applicant.(j) The credibility standards and any judgmental adjustments, including limitations on effects, that have been used in the process of deriving premium differentials proposed and validated in paragraph (i) above.

(l)1. The date that each of the analyses, tests, and validations required in paragraphs (d) through (j) above was most recently performed, and a certification that the results continue to be applicable.

2. Any item not reviewed in the previous 5 years is unacceptable.

Specific Authority 624.308(1), 626.9741(8) FS. Law Implemented 624.307(1), 626.9741 FS. History--New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Lingswiler, Chief, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: February 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Pesticides  
RULE CHAPTER NO.: 5E-2

RULE TITLE: Organo-Auxin Herbicides: Restrictions and Prohibitions  
RULE NO.: 5E-2.033

PURPOSE, EFFECT AND SUMMARY: The purpose of the rule amendment is to further qualify the restrictions placed on the use of the organo-auxin herbicide 2,4D registered in the State of Florida, providing an exemption covering its use according to label instructions as a plant growth regulator in dosages substantially less than for herbicidal use.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SOERC has been prepared.

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

SPECIFIC AUTHORITY: 570.07(16)(b), 570.07(23) FS.

LAW IMPLEMENTED: 487.031(10), 487.031(13)(e) FS.

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

TIME AND DATE: 9:00 a.m., March 23, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Dale Dubberly, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.033 Organo-Auxin Herbicides: Restrictions and Prohibitions.

(1) through (8) No change.

(9) The application of low volatility 2,4D compounds registered in the State of Florida in accordance with label instructions for use as a growth regulator in small dosages substantially less than for herbicidal use is not subject to the use regulations and restrictions set forth in subsections (3), (4), and (5) of this rule but is subject to the record keeping requirements in subsection (6) and label instructions must be followed.

Specific Authority 487.051(4), 487.154, 570.07(16)(b), 570.07(23) FS. Law Implemented 487.031(10), 487.031(13)(e) FS. History--New 2-4-86, Amended 7-10-89.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Dubberly, Chief, Bureau of Compliance Monitoring  
NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Steve Rutz, Director, Division of Agricultural Environmental Services  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE TITLE: Denials  
RULE NO.: 5J-15.003  
PURPOSE AND EFFECT: The purpose and effect of this rule is to set guidelines for the denial of a license.  
SUMMARY: Sets guidelines for the denial of a license.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 507.09 FS.  
LAW IMPLEMENTED: 507.09 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., March 23, 2004  
PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-15.003 Denials.

The purpose of this rule is to implement Section 507.03(8), Florida Statutes. The department shall not issue an initial or renewal registration to any person, partnership or corporation applying for an intrastate moving registration if the department finds that the applicant, or any of its owners, operators, directors, officers, general partners or other individuals engaged in the management activities of the applicant, has:

(1) Been convicted of any misdemeanor crime within the past 5 years that involves racketeering or any offense involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or any other act of moral turpitude.

(2) Been convicted of any felony within the last 7 years that involves racketeering or any offense involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or any other act of moral turpitude.

(3) Been convicted of any crime that involves racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or any other act of moral turpitude, and who has not successfully completed or satisfied all the conditions or terms of his or her sentence, including probation or parole.

(4) Entered against him or her, or any business which he or she has been affiliated as an owner, operator, director, officer, general partner or performed management activities, an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar administrative or court order, in any civil or administrative action, based upon conduct involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or the use of any untrue or misleading representation in an attempt to sell or dispose of real or personal property or use of any unfair, unlawful, or deceptive trade practice, or any other act of moral turpitude and who has not satisfied all the conditions and/or terms of his or her judgment or order.

Specific Authority 507.09 FS. Law Implemented 507.09 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2004

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Incorporation by Reference  
 RULE CHAPTER NO.: 14-15

RULE TITLE: Toll Facilities Description and Toll Rate Schedule  
 RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this notice rulemaking is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of the Kissimmee Park Road/Florida’s Turnpike interchange. Section 338.155(1), Florida Statutes, does not permit the use of the State’s toll facilities without paying a toll.

SUMMARY: The toll rate public hearing is being held in conjunction with a public information meeting to allow the public an opportunity to comment on the proposed toll rate schedule for the Florida Department of Transportation’s construction of a SunPass-Only partial interchange at Kissimmee Park Road and Florida’s Turnpike interchange. The project is located in Osceola County. Tolls are proposed to be collected from vehicles entering and exiting the Turnpike northbound. This new interchange is approximately nine miles north of Three Lakes Toll Plaza and approximately five miles south of the existing Kissimmee/St. Cloud interchange. This public hearing is being held in conjunction with a Project Development and Environment (PD&E) public hearing for an interchange project, Financial Project Identification 411237-1. The rule development workshop was held on November 13, 2003.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory cost has been prepared.

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

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

TIMES AND DATE: 6:00 p.m. – Informal Open House, 6:30 p.m. – Formal Public Hearing, March 30, 2004

PLACE: City of St. Cloud, City Hall, Council Chambers, 1300 Ninth Street, St. Cloud, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, and \_\_\_\_\_ is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Ely, Executive Director, Florida’s Turnpike Enterprise  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Property  
 RULE NO.: 33-602.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide procedures for handling inmate refusal to inventory legal property, to clarify provisions concerning inmate appeal of excess legal property determinations, and to revise restrictions for inmate possession of canteen items.

SUMMARY: The proposed rule provides procedures for handling inmate refusals to inventory legal property, provides detailed procedures for inmate appeal of excess legal property determinations, and revises restrictions for inmate possession of canteen items to require that quantity possessed is limited by approved storage space.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.201 Inmate Property.

(1) through (5) No change.

(6) Storage of Excess Legal Materials

(a) through (b) No change.

(c) Storage of Excess Active Legal Material.

1. through 3. No change.

4. In the event the inmate refuses to organize and inventory his or her legal material as ordered, the inmate shall receive a disciplinary report. If the inmate refuses to comply after being ordered a second time, department shall organize and inventory the material. The inventory shall be performed in the same manner as the staff review described in subparagraph 5. below.

5. Prior to placing an inmate's active legal material into excess storage, the inmate's legal material shall be subject to a cursory review by department staff to ensure compliance with department rules regarding utilization of excess storage, approved property and contraband. This review will only be conducted in the presence of the inmate. Only the case style, signature on the document (if any) and letterhead (if any) may be read. Any material that is determined by staff to not be active legal material, shall be collected by two designated employees and placed in storage box(es) with interlocking flap

for storage pending disposition. The warden or designee shall notify the inmate on Form DC6-2007, Excessive Inactive Legal Material Disposition Determination, of the determination that the inmate has 30 days to make arrangements to have the excess inactive legal material picked up by an approved visitor or sent to a relative or friend at the inmate's expense, as provided in subparagraph (6)(c)6., or the institution will destroy it. This notification shall be provided to the inmate within three calendar days of the determination unless the inmate provides verification of a deadline that cannot be met within the three day waiting period. The 30 day limit shall not include any time that a grievance appeal is pending provided the inmate has provided the warden or the warden's designee with the written notice required in subparagraph ~~(6)(7)(c)7.6.~~ Form DC6-2007 is incorporated by reference in subsection (17) of this rule. For purposes of this subparagraph, the warden's designee may include the property room supervisor.

6. The cost of sending the inactive legal material to a relative or friend shall be collected from any existing balance in the inmate's trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid.

6. through 7. renumbered 7. through 8. No change.

9. If the inmate's grievance appeal is denied and the inmate wishes to appeal the determination to the courts and wishes to have the order to dispose of the excess inactive legal material within 30 days stayed while the court appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he or she intends to appeal the determination to the courts. The written notice must be filed within 30 calendar days of receipt of the response from the Office of the Secretary, must identify the court in which the appeal has been filed, must include a statement by the inmate that the inmate intends to appeal the determination, and must specifically identify the documents or papers on which the appeal is based.

8. through 11. renumbered 10. through 13. No change.

(d) Excess Inactive Legal Material. Excess inactive legal material shall be sent out of the facility by the inmate at the inmate's expense, as provided in subparagraph (6)(c)6. If the inmate does not want to pay to send the excess inactive legal material out, this material will be destroyed in accordance with this rule and Rules 33-602.201 and 33-602.203, F.A.C., regarding inmate property and contraband.

(e) through (17) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03,\_\_\_\_\_.



APPENDIX ONE  
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as “exemptions”, property received must be in compliance with this list. Inmates in possession of previously approved property which meets the description of property on the list shall be allowed to retain the property.

Definitions. No change.

Exemptions. No change.

AUTHORIZED PROPERTY LIST  
CLOTHING – No change.

PERSONAL ARTICLES

<u>Quantity</u>	<u>Unit</u>	<u>Value</u>	<u>Articles</u>
*			Canteen purchases –* limited by <u>approved</u> storage space; <del>includes:</del>
			<del>—Food and drink items—limited to possession of 10 total items, food sold in packages count as one item; food that requires refrigeration must be consumed within two hours; once a food item is opened it must be consumed or thrown away, opened items cannot be stored.</del>
			<del>—Condiments—limited to possession of 20 of each item; if sold prepackaged or bundled by the canteen, maximum not to exceed the quantity in the package or bundle.</del>
			<del>—Tobacco items—includes cigarettes, cigars, tobacco, snuff, and chewing tobacco; limited to any combination of 5 items.</del>

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Greg Drake  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Administrative Sanctions on Providers, Entities, and Persons

RULE NO.: 59G-9.070

PURPOSE AND EFFECT: This rule shall provide notice of administrative sanctions and disincentives imposed upon a provider, entity, or person who either directly or indirectly causes monies to be improperly expended by the Medicaid program of the sanctions that can be imposed for each violation of any Medicaid-related law, rule, provision, handbook, or policy. The Agency shall have the authority to deviate from the sanctions for the reasons stated within this rule.

SUMMARY: This rule addresses monetary and non-monetary penalties to be imposed upon a person or provider participating in the Medicaid program for each violation of Medicaid-related law, rule, provision, handbook, or policy, as set forth in Chapter 409.913, F.S. Generally, the rule provides the sanction to be imposed for each such violation, and provides for increased sanctions for repeat violations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.907, 409.913, 409.9131, 812.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelly Bennett, 2727 Mahan Drive, MS# 6, Tallahassee, Florida 32308, (850)921-1802

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-9.070 Administrative Sanctions on Providers, Entities, and Persons.

(1) PURPOSE: The purpose of this rule is to provide notice of administrative sanctions and disincentives imposed upon a provider, entity, or person for each violation of any Medicaid-related law, rule, provision, handbook, or policy. The Agency shall have the authority to deviate from the guidelines for the reasons stated within this rule.

(2) DEFINITIONS: The terms used within this rule shall have the meanings as set forth below, or as otherwise specified in Medicaid-related law, rule, or policy.

(a) “Abuse” is as defined in Section 409.913(1)(a), F.S.

(b) “Agency” is as defined in Section 409.901(2), F.S.

(c) "Claim" is as defined in Section 409.901(15), F.S., and shall also include per diem payments and the payment of a capitation rate for a Medicaid recipient.

(d) "Complaint" is as defined in Section 409.913(1)(b), F.S.

(e) An act shall be deemed "Committed", as it relates to abuse or neglect of a patient, or of any act prohibited by Section 409.920, F.S., upon receipt by the Agency of reliable information of commission of patient abuse or neglect, or of violation of Section 409.920, F.S.

(f) "Comprehensive follow-up reviews" or "Follow-up reviews" shall have the same meaning throughout this rule, and can be used interchangeably. The two phrases mean evaluations of providers every 6 months, until the Agency determines that the reviews are no longer required. Such evaluations will result in a determination regarding whether a further compliance audit, or other regulatory action is required. The Agency's decision to discontinue the reviews does not preclude future audits of any dates of service or issues, and shall not be used by the provider in any action should the Agency later determine overpayments existed.

(g) "Conviction" is as defined in Section 409.901(7), F.S.

(h) "Corrective action plan" means the process or plan by which the provider will ensure future compliance with state and federal Medicaid laws, rules, provisions, handbooks, and policies. A corrective action plan will remain in effect until the Agency determines that it is no longer necessary, but no longer than 3 years. For purposes of this rule, the sanction of a corrective action plan shall take the form of an "acknowledgement statement", "provider education", a "self audit", a "compliance audit", or a "comprehensive quality assurance program", all of which are further described in subsection (10) of this rule.

(i) "Fine" is a monetary sanction under this rule. Unless otherwise specified, the amount of a fine shall be the maximum amount allowed under Section 409.913(15), F.S.

(j) "Fraud" is as defined in Section 409.913(1)(c), F.S.

(k) "Medical necessity" or "medically necessary" is as defined in Section 409.913(1)(d), F.S.

(l) "Medicaid-related record" is as defined in Section 409.901(19), F.S.

(m) "Overpayment" is as defined in Section 409.913(1)(e), F.S.

(n) "Patient Record Request" means a request by the Agency to a provider, entity, or person for Medicaid-related documentation or information. Such requests are not limited to Agency audits to determine overpayments or violations. Each requesting document constitutes a single Patient Record Request. The Agency is not limited to making one Patient Record Request at a time to a provider, entity, or person. Each request shall be considered separate and distinct for purposes of this rule.

(o) "Pattern" is defined as follows:

1. As it relates to paragraph (7)(d) of this rule (generally: failing to maintain Medicaid-related records), a pattern is sufficiently established if within a single Agency action:

a. There are five or more claims within a patient record for which supporting documentation is not maintained; or

b. There is more than one patient record for which no supporting documentation is maintained.

2. As it relates to paragraph (7)(e) of this rule (generally: failure to comply with the provisions of Medicaid laws and policies), a pattern is sufficiently established if within a single Agency action:

a. The number of individual claims found to be in violation is greater than ten-percent of the total claims that are the subject of the Agency action;

b. The number of individual claims found to be in violation is greater than ten-percent of the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid;

c. The number of individual claims found to be in violation is greater than twenty;

d. The overpayment determination by the Agency is greater than ten-percent of the amount paid for the total claims that are the subject of the Agency action; or

e. The overpayment determination by the Agency is greater than ten-percent of the amount paid for the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid.

3. As it relates to paragraph (7)(g) of this rule (generally: failing to provide goods or services that are medically necessary), a pattern is sufficiently established if within a single Agency action:

a. The number of individual claims found to be in violation is greater than one-percent of the total claims that are the subject of the Agency action;

b. The number of individual claims found to be in violation is greater than one-percent of the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid;

c. The number of individual claims found to be in violation is greater than five;

d. The overpayment determination by the Agency is greater than one-percent of the amount paid for the total claims that are the subject of the Agency action; or

e. The overpayment determination by the Agency is greater than one-percent of the amount paid for the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid.

4. As it relates to paragraph (7)(h) of this rule (generally: submitting erroneous claims), a pattern is sufficiently established if within a single Agency action:

a. The number of individual claims found to be erroneous is greater than ten-percent of the total claims that are the subject of the Agency action;

b. The number of erroneous claims identified is greater than ten-percent of the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid;

c. The number of erroneous claims identified is greater than twenty claims that are the subject of the Agency action;

d. The overpayment determination by the Agency, as a result of the erroneous claims, is greater than ten-percent of the amount paid for the total claims that are the subject of the Agency action; or,

e. The overpayment determination by the Agency, as a result of the erroneous claims, is greater than ten-percent of the amount paid for the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid.

(p) "Person" is as defined in Section 409.913(1)(f), F.S.

(q) "Provider" is as defined in Section 409.901(16), F.S. and may include one or more locations.

(r) "Provider Group" – individual providers, practicing under the same tax identification number, enrolled in the Medicaid program as a group for billing purposes, and having one or more locations.

(s) "Sanction" shall be any monetary or non-monetary penalty imposed upon a provider, entity, or person (e.g., a provider, entity, or person being suspended from the Medicaid program.) A monetary sanction under this rule may be referred to as a "fine." A sanction may also be referred to as a disincentive.

(t) "Suspension" shall preclude participation in the Medicaid program for one year, unless otherwise specified in this rule, from the date of the Agency action, and is described further in subsection (10) of this rule. Suspension precludes any action that results in a claim for payment to the Medicaid program as a result of furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services.

(u) "Termination" shall preclude participation in the Medicaid program for twenty years from the date of the Agency action, may be with or without cause, and is described further in subsection (10) of this rule. Termination precludes any action that results in a claim for payment to the Medicaid program as a result of furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services.

(v) "Violation" means any omission or act performed by a provider, entity, or person that is contrary to any applicable federal or state law, rule, provision, handbook, or Medicaid policy.

1. For purposes of this rule, the following shall be considered "separate violations":

a. Each day that an ongoing violation continues;

b. Each instance or date of improper billing of a Medicaid recipient;

c. Each instance of including an unallowable cost on Medicaid cost report after having been advised that the cost is not allowable;

d. Each instance of furnishing goods or professional services that are inappropriate or of inferior quality;

e. Each instance of knowingly submitting a materially false or erroneous Medicaid provider enrollment application, request for prior authorization for Medicaid services, or cost report;

f. Each instance of inappropriately prescribing drugs for a Medicaid recipient; or,

g. Each false or erroneous Medicaid claim leading to an overpayment to a provider.

2. For purposes of determining first, second, third, fourth, fifth, or subsequent violations under paragraph (10)(c) of this rule:

a. A violation means a determination by the Agency, whether resolved by repayment of an overpayment, settlement agreement, or other means, wherein the person, provider, or entity is found to have violated a provision of state or federal Medicaid laws, rules, provisions, handbooks, or policies.

b. The same violation means a subsequent determination by the Agency, wherein the person, provider, or entity is determined by the Agency to be in violation of the same provision of state or federal Medicaid laws, rules, provisions, handbooks, or policies. For purposes of violations of paragraph (7)(e) of this rule (generally, failing to comply with the provision of Medicaid policies), the same violation means a subsequent determination by the Agency that the person, provider, or entity is found to be in violation of the same provision of state or federal Medicaid-related law, rule, provision, handbook, or policy as in a prior Agency action.

(3) VIOLATIONS AND SANCTIONS: Unless otherwise set forth in this rule, sanctions will be imposed as set forth in subsection (10) of this rule. The identification of violations given herein is descriptive only. The full language of each statutory provision cited must be consulted in order to determine the conduct included.

(4) FACTORS TO BE USED IN DETERMINING LEVEL OF SANCTION: Except for the mandatory suspension and termination provision in subsection (6) of this rule, when determining the type, amount, and duration of the sanction to be applied, the Agency shall consider each of the factors set forth in Section 409.913(16), F.S., in conjunction with subsection (10) of this rule. This rule does not give any one listed factor greater importance or weight over any other. However, the Agency shall have the discretion to rely upon the circumstances of the violation or violations in conjunction with any one or all of the listed factors to determine the sanction that

is ultimately applied. These factors will also be utilized for any deviation by the Agency from the sanctions for each violation, as set forth in subsection (10) of this rule.

(5) APPLICATION TO INDIVIDUALS OR LOCATIONS RATHER THAN TO A PROVIDER GROUP:

(a) Based upon the circumstances present in each individual matter, the Agency shall have the discretion to take action to sanction a particular Medicaid provider, entity, or person working for a Medicaid provider group, and may suspend or terminate participation in the Medicaid program at a specific location, rather than, or in addition to, taking action against an entire Medicaid provider group.

(b) If the Agency chooses to sanction a particular (individual) provider, entity, or person working with a Medicaid provider group or in a particular location, the other members of the Medicaid provider group and the providers in the other locations must fully cooperate in the audit or investigation conducted by the Agency, and the Agency must determine if:

1. The individual provider, entity, or person working with the Medicaid provider group is directly responsible for the violation(s);

2. The Medicaid provider group was unaware of the actions of the individual provider, entity, or person; and,

3. The Agency has not previously taken a preliminary or final Agency action against the group provider for the same violation(s) within the past five years from the date of the violation, unless the Agency determines that the individual provider, entity, or person was responsible for the prior violation.

(6) MANDATORY TERMINATION OR SUSPENSION: If the provider has been suspended or terminated from participation in the Medicaid or Medicare program by the federal government or any state or territory, the Agency shall immediately suspend or terminate, as appropriate, the provider's participation in the Florida Medicaid program for a period no less than that imposed by the federal government or any other state or territory, and shall not enroll such provider in the Florida Medicaid program while such foreign suspension or termination remains in effect. Additionally, all other remedies provided by law, including all civil remedies, and other sanctions, shall apply. [409.913(13), F.S.]

(7) MANDATORY SANCTIONS: Sanctions shall be imposed for the following:

(a) The provider's license has not been renewed, or has been revoked, suspended, or terminated, by the licensing agency of any state. [409.913(14)(a), F.S.];

(b) Failure to make available or refuse access to all Medicaid-related records sought by any investigator. [409.913(14)(b), F.S.];

(c) Failure to make available or furnish all Medicaid-related records, to be used by the Agency in determining whether Medicaid payments are or were due, and what the appropriate corresponding Medicaid payment amount should be. [409.913(14)(c), F.S.];

(d) Failure to maintain contemporaneous Medicaid-related records and prior authorization records, if prior authorization is required, that demonstrate both the necessity and appropriateness of the good or service rendered. [409.913(14)(d), F.S.];

(e) Failure to comply with the provisions of the Medicaid provider publications and handbooks, applicable federal, or state laws, rules or regulations, the requirements and provisions in the provider's Medicaid provider agreement, or the certification found on claim forms or transmittal forms for electronically submitted claims by the provider or authorized representative. [409.913(14)(e), F.S.];

(f) Furnishing or ordering goods or services that are inappropriate, unnecessary or excessive, of inferior quality, or that are found to be harmful to the recipient. [409.913(14)(f), F.S.];

(g) A pattern of failure to provide goods or services that are medically necessary. [409.913(14)(g), F.S.];

(h) Submitting, or causing to be submitted, a single false Medicaid claim, or a pattern of erroneous Medicaid claims, that results in an overpayment finding or that results in actual payment exceeding what is appropriate under the Medicaid program. [409.913(14)(h), F.S.];

(i) Submitting, or causing to be submitted, a Medicaid provider enrollment application or renewal forms, a request for prior authorization for Medicaid services, or a Medicaid cost report containing information that is either materially false or materially incorrect. [409.913(14)(i), F.S.];

(j) Collecting or billing a recipient or a recipient's responsible party for goods or services improperly. [409.913(14)(j), F.S.];

(k) Including costs in a cost report that are not allowed under a Florida Title XIX (Medicaid) reimbursement plan, even though the provider or authorized representative had previously been advised via an audit exit conference or audit report that the costs were not allowable. [409.913(14)(k), F.S.];

(l) Being charged, whether by information or indictment, with fraudulent billing practices. [409.913(14)(l), F.S.];

(m) A finding or determination that a provider, entity, or person is negligent for ordering or prescribing a good or service to a patient, which resulted in the patient's injury or death. [409.913(14)(m), F.S.];

(n) During a specific audit or review period, failure to demonstrate sufficient quantities of goods, or sufficient time in the case of services, that support the corresponding billings or claims made to the Medicaid program. [409.913(14)(n), F.S.];

(o) Failure to comply with the notice and reporting requirements of Section 409.907, F.S. [409.913(14)(o), F.S.];

(p) Committing patient abuse or neglect, or any act prohibited by Section 409.920, F.S. [409.913(14)(p), F.S.];

(q) Failure to comply with any of the terms of a previously agreed-upon repayment schedule. [409.913(14)(q), F.S. and, 409.913(24)(b), F.S.];

(8) ADDITIONAL VIOLATIONS SUBJECT TO TERMINATION: In addition to the termination authority, the Agency shall have the authority to concurrently seek civil remedies or impose other sanctions.

(a) The Agency shall impose the sanction of termination for each violation of:

1. Section 409.913(12)(a), F.S. (generally, a provider is convicted of a criminal offense related to the delivery of any health care goods or services);

2. Section 409.913(12)(b), F.S. (generally, a provider is convicted of a criminal offense relating to the practice of the provider's profession); or

3. Section 409.913(12)(c), F.S. (generally, a provider is found to have neglected or physically abused a patient).

(b) For non-payment or partial payment where monies are owed to the Agency, and failure to enter into a repayment agreement, in accordance with Section 409.913(24)(b), F.S. (generally, a provider who has a debt to the Agency, who has not made full payment, and who fails to enter into a repayment schedule), the Agency shall impose the sanction of a \$5,000 fine; and, where the provider remains out of compliance for 60 days, suspension; and, where the provider remains out of compliance for more than one year, termination.

(c) For failure to reimburse an overpayment, in accordance with Section 409.913(29), F.S. (generally, a provider that fails to repay an overpayment within 35 days after the date of a final order), the Agency shall impose the sanction of a \$5,000 fine; and, where the provider remains out of compliance for 60 days, suspension; and, where the provider remains out of compliance for more than one year, termination.

(9) REPORTING SANCTIONS: The Agency shall report sanctions in accordance with Section 409.913(23), F.S.

(10) GUIDELINES FOR MANDATORY SANCTIONS.

(a) The Agency's authority to impose sanctions on a provider, entity, or person shall be in addition to the Agency's authority to recover a determined overpayment, other remedies afforded to the Agency by law, appropriate referrals to other agencies, and any other regulatory actions against the provider.

(b) In all instances of violations of Medicaid laws, rules, and policies that are subject to this rule, the Agency shall have the authority to impose liens against provider assets, including, but not limited to, financial assets and real property, not to exceed the amount of fines or recoveries sought, including fees and costs, upon entry of an order determining that such moneys are due or recoverable.

(c) A violation is considered a:

1. First Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has not been deemed by the Agency in a prior Agency action to have committed the same violation;

2. Second Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has once been deemed by the Agency in a prior Agency action to have committed the same violation.

3. Third Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has twice been deemed by the Agency in prior Agency actions to have committed the same violation.

4. Fourth Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has three times been deemed by the Agency in prior Agency actions to have committed the same violation.

5. Fifth Violation – If, within the five years prior to the alleged violations date(s), the provider, entity, or person has four times been deemed by the Agency in prior Agency actions to have committed the same violation.

6. Subsequent Violation – If, within the five years prior to the alleged violation date(s) the provider, entity, or person has, five or more times, been deemed by the Agency in prior Agency actions to have committed the same violation.

(d) Multiple violations shall result in an increase in sanctions such that:

1. In the event the Agency determines in a single Agency action that a provider, entity, or person has committed violations of more than one section of this rule, the Agency shall cumulatively apply the sanction guideline associated with each section violated.

2. In the event the Agency determines in a single action that a provider, entity, or person has committed multiple violations of one section of this rule, the Agency shall cumulatively apply the applicable sanctions for each separate violation of the section. However, the Agency shall not apply multiple violations to increase the level of violation (e.g., – from First Violation to Second Violation).

3. In the event the Agency determines that a provider, entity, or person committed violations of more than one provision of this rule in at least three separate Agency actions within the past five years, the Agency shall cumulatively apply the sanctions. Additionally, if the cumulative sanctions do not otherwise result in a suspension of the provider, entity, or person for at least 1 year, the sanction shall also include a 1-year suspension. This sanction shall be in addition to the applicable sanctions and disincentives set forth in this rule.

(e) For purposes of this rule, as used in the table below, a "corrective action plan" shall be a written document, submitted to the Agency, and shall either be an "acknowledgement

statement”, “provider education”, “self audit”, “compliance audit”, or a “comprehensive quality assurance program”. The Agency will specify the type of corrective action plan required.

1. An “acknowledgement statement” shall be a typed document submitted within 30 days of the date of the Agency action that brought rise to this requirement. The Agency will confirm receipt of the statement and either accept or deny it as complying with this rule. If the acknowledgement statement is not acceptable to the Agency, the provider, entity, or person will be advised regarding the deficiencies. The provider will have 10 days to amend the statement. The statement shall:

a. Identify the areas of non-compliance as determined by the Agency in the Agency action; and,

b. Acknowledge a requirement to adhere to the specific state and federal Medicaid laws, rules, provisions, handbooks, and policies that are at issue in the Agency action.

2. “Provider Education” shall be successful completion of an educational course or courses that address the areas of non-compliance as determined by the Agency in the Agency action.

a. The provider, entity, or person will identify one or more individuals who are the key Medicaid policy compliance individuals, and must include appropriate treating providers as well as billing staff, who must successfully complete the course(s).

b. The provider, entity, or person will, within 30 days of the date of the Agency action that brought rise to this requirement, submit for approval the name of the course, contact information, and a brief description of the course intended to meet this requirement.

c. The Agency will confirm receipt of the course information and either accept or deny it as complying with this rule. If the course is denied by the Agency, the provider, entity, or person will be advised regarding the reasons for denial. The provider will have 10 days to submit additional course information.

d. Proof of successful completion of the provider education must be submitted to the Agency within 180 days of the date of the Agency action that brought rise to this requirement.

3. A “self audit” is an audit of the provider’s claims to Medicaid for a specified period of time (the audit period) performed by the provider.

a. A self-audit is a detailed and comprehensive evaluation of the provider’s claims to Medicaid. The audit may be focused on particular issues or all state and federal Medicaid laws, rules, provisions, handbooks, and policies. The Agency will specify the audit period as well as issues to be addressed. A self-audit must be completed within 180 days of the date of the Agency action that brought rise to this requirement.

b. The provider is required to submit a detailed listing of paid claims found to be out of compliance with the specified state and federal Medicaid laws, rules, provisions, handbooks,

and policies. The listing shall include the date of service, type of service (e.g., procedure code), treating provider, pay-to provider, date the claim was paid, transaction control number (TCN) for the claim, description of non-compliance, and any other information that would allow the Agency to verify the claim(s). The provider is also required to submit a detailed description regarding the audit methodology and overpayment calculation. The Agency will evaluate the self-audit and determine whether it is a valid evaluation of the provider’s claims.

c. If the self audit is accepted by the Agency, the provider shall be deemed to have been overpaid by the determined amount, and shall be required to repay that amount in full, or enter in and adhere to a repayment plan with the Agency, within 30 days of the date of the acceptance of the self audit.

d. If the self-audit is not accepted, the provider will be advised regarding the reasons for denial. The provider will have 30 days to submit additional information to correct the deficiencies.

4. A “compliance audit” will consist of annual audits conducted by an accounting firm that is not affiliated with or related to the provider, entity, or person subject to the audit.

a. Within 30 days of the date of the Agency action that brought rise to this requirement, the provider, entity, or person shall submit in writing a request for approval of the accounting firm. The request shall include contact information so that the Agency may verify the credentials of the company as well as affiliations. The request shall also include a brief description of the anticipated audit.

b. The Agency will confirm receipt of the audit information and either accept or deny it as complying with this rule. If the accounting firm or proposed audit process is denied by the Agency, the provider, entity, or person will be advised regarding the reasons for denial. The provider will have 30 days to submit additional audit information.

c. All draft, preliminary, and final reports prepared by the accounting firm shall be submitted to the Agency within 10 days of the report issuance. The final report must be submitted to the Agency within 180 days of the date of the Agency action that brought rise to this requirement. All reports must identify any discrepant Medicaid claims, and include the date of service, type of service (e.g., procedure code), treating provider, pay-to provider, date the claim was paid, transaction control number (TCN) for the claim, description of non-compliance, and any other information that would allow the Agency to verify the claim(s).

5. A “comprehensive quality assurance program” shall monitor the efforts of the provider, entity, or person in their internal efforts to comply with state and federal Medicaid laws, rules, provisions, handbooks, and policies.

a. The program shall contain at a minimum the following elements: identification of the physical location where the provider, entity, or person takes any action that may cause a

claim to Medicaid to be submitted; contact information regarding the individual or individuals who are responsible for development, maintenance, implementation, and evaluation of the program; a separate process flow diagram that includes a step-by-step written description or flow chart indicating how the program will be developed, maintained, implemented, and evaluated; a complete description and relevant time frames of the process for internally maintaining the program, including a description of how technology, education, and staffing issues will be addressed; a complete description and relevant time frames of the process for implementing the program; and a complete description of the process for monitoring, evaluating, and improving the program.

b. A process flow diagram regarding the development of the program must be submitted to the Agency within 30 days from the date of the Agency action and must be updated every 30 days until the comprehensive quality assurance program is approved by the Agency. A process flow diagram regarding the maintenance, implementation, and evaluation of the program must be submitted to the Agency within 90 days from the date of the Agency action and must be updated every 30 days until the comprehensive quality assurance program is approved by the Agency.

c. The evaluation process must contain processes for conducting internal compliance audits, which include reporting of the audit findings to specific individuals who have the authority to address the deficiencies, and must include continuous improvement processes. The plan must also include the frequency and duration of such evaluations.

d. The Agency will review the process flow diagram and description of the development of the program and either approve the program or disapprove the program. If the Agency disapproves the program, specific reasons for the disapproval will be included, and the provider, entity, or individual shall have 30 days to submit an amended development plan.

e. Upon approval by the Agency of the development process of the program, the provider, entity, or person shall have 45 days to implement the program. The provider shall provide written notice to the Agency indicating that the program has been implemented.

f. The program must remain in effect for the time period specified in the Agency action and the provider must submit written progress reports to the Agency every 120 days, for the duration of the program.

6. Failure to timely comply with any of the timeframes set forth by the Agency, or to maintain the corrective action plan in accordance with this section, shall result in a \$1000 fine per day of non-compliance. If a provider remains out of compliance for 30 days, the provider shall also be suspended from the Medicaid program until the provider is in compliance. If a provider remains out of compliance for one year, the provider shall be terminated from the Medicaid program. The termination may be with or without cause. The program must remain in effect for the time period specified in the Agency action and the provider must submit written progress reports to the Agency every 120 days, for the duration of the program.

(f) For purposes of this rule, as used in the table below, a "suspension" shall preclude participation in the Medicaid program for one year from the date of the Agency action. A provider(s) that is suspended shall not resume participation in the Medicaid program until the completion of the one-year term. To resume participation, the provider must submit a written request to the Agency, Bureau of Medicaid Program Integrity, to be reinstated in the Medicaid program. The request must include a copy of the notice of suspension issued by the Agency, and a written acknowledgement regarding whether the violation(s) that brought rise to the suspension has been remedied. The provider may not resume participation in the Medicaid program until they receive written confirmation from the Agency indicating that participation in the Medicaid program has been authorized.

(g) For purposes of this rule, as used in the table below, a "termination" shall preclude participation in the Medicaid program for twenty years from the date of the Agency action. "Termination" shall be with or without cause. A provider(s) who is terminated (regardless of whether with or without cause) shall not resume participation in the Medicaid program until the completion of the twenty-year term. To resume participation, the provider must submit a complete and accurate provider enrollment application, which will be accepted or denied in the standard course of business by the Agency. In addition to the application, the provider must include a copy of the notice of termination issued by the Agency, and a written acknowledgement regarding whether the violation(s) that brought rise to the termination has been remedied.

(h) Sanctions and disincentives shall apply in accordance with this rule, as set forth in the table below:

<u>Violation Type/ Section of Rule</u>	<u>First violation</u>	<u>Second violation</u>	<u>Third violation</u>	<u>Fourth violation</u>	<u>Fifth and Subsequent violations Termination.</u>
<u>For each violation of Medicaid laws, rules or policies not otherwise listed in this rule:</u>	<u>A \$1,000 fine; and submission of a corrective action plan.</u>	<u>A \$2,000 fine; and submission of a corrective action plan.</u>	<u>A \$3,000 fine; and suspension. Upon expiration of the suspension, submission of a corrective action plan.</u>	<u>A \$4,000 fine; and suspension. Upon expiration of the suspension, submission of a corrective action plan.</u>	
<u>(7)(a) The provider's license has not been renewed by the licensing agency of any state; or the license has been revoked, suspended, or terminated, by the licensing agency of any state. [409.913(14)(a), F.S.];</u>	<u>For licensure suspension: suspension from the Medicaid program for the duration of the licensure suspension; however, if the licensure suspension is to exceed 1 year and for all other violations: termination.</u>	<u>For licensure suspension: suspension from the Medicaid program for the duration of the licensure suspension; however, if the licensure suspension is to exceed 1 year and for all other violations: termination.</u>	<u>Termination.</u>	<u>Termination.</u>	<u>Termination.</u>
<u>(7)(b) Failure, upon demand, to make available or refuse access to, Medicaid-related records [409.913(14)(b), F.S.];</u>	<u>A \$1,000 fine per record request or instance of refused access; if after 60 days, the provider is still in violation, suspension until the records are made available or access is granted; if after one year, the provider is still in violation, termination.</u>	<u>A \$2,500 fine per record request or instance of refused access; if after 60 days, the provider is still in violation, suspension until the records are made available or access is granted; if after one year, the provider is still in violation, termination.</u>	<u>A \$5,000 fine per record request or instance of refused access; if after 60 days, the provider is still in violation, suspension until the records are made available or access is granted; if after one year, the provider is still in violation, termination.</u>	<u>A fine for each record request or instance of refused access; if after 60 days, the provider is still in violation, suspension until the records are made available or access is granted; if after one year, the provider is still in violation, termination.</u>	<u>A fine for each record request or instance of refused access; if after 60 days, the provider is still in violation, suspension until the records are made available or Access is granted; if after one year, the provider is still in violation, termination.</u>
<u>(7)(c) Failure to furnish records, within time frames established by the Agency. [409.913(14)(c), F.S.];</u>	<u>A \$500 fine per record request; if after 60 days, the provider is still in violation, suspension until the records are made available; if after one year, the provider is still in violation, termination.</u>	<u>A \$1,000 fine per record request; if after 60 days, the provider is still in violation, suspension until the records are made available; if after one year, the provider is still in violation, termination.</u>	<u>A \$2,500 fine per record request; if after 60 days, the provider is still in violation, suspension until the records are made available; if after one year, the provider is still in violation, termination.</u>	<u>A \$5,000 fine per record request; if after 60 days, the provider is still in violation, suspension until the records are made available; if after one year, the provider is still in violation, termination.</u>	<u>A fine for each record request; if after 60 days, the provider is still in violation, suspension until the records are made available; if after one year, the provider is still in violation, termination.</u>



<p><u>(7)(d) Failure to maintain contemporaneous Medicaid-related records.</u> [409.913(14)(d), F.S.];</p>	<p><u>A \$100 fine per claim for which supporting documentation is not maintained. For a pattern: a \$1,000 fine per patient record for which any of the supporting documentation is not maintained; and submission of a corrective action plan.</u></p>	<p><u>A \$200 fine per claim for which supporting documentation is not maintained. For a pattern: a \$2,000 fine per patient record for which any of the supporting documentation is not maintained; and submission of a corrective action plan.</u></p>	<p><u>A \$3,000 fine per patient record for which any of the supporting documentation is not maintained; and suspension.</u></p>	<p><u>Termination.</u></p>	<p><u>Termination.</u></p>
<p><u>(7)(e) Failure to comply with the provisions of Medicaid policies, procedures, or law.</u> [409.913(14)(e), F.S.];</p>	<p><u>A \$500 fine per provision. For a pattern: a \$1,000 fine per provision.</u></p>	<p><u>A \$1,000 fine per provision. For a pattern: a \$2,000 fine per provision; and submission of a corrective action plan.</u></p>	<p><u>A \$2,000 fine per provision. For a pattern: a \$3,000 fine per provision; submission of a corrective action plan; and suspension.</u></p>	<p><u>A \$3,000 fine per provision. For a pattern: a \$4,000 fine per provision; submission of a corrective action plan; and suspension.</u></p>	<p><u>A \$5,000 fine per provision; and suspension. For a pattern: termination.</u></p>
<p><u>(7)(f) Furnishing or ordering goods or services that are inappropriate, unnecessary or excessive, of inferior quality, or that are harmful.</u> [409.913(14)(f), F.S.];</p>	<p><u>For harmful goods or services: a fine for each instance, and suspension. For all others: a \$1,000 fine for each individual instance and submission of a corrective action plan.</u></p>	<p><u>For harmful goods or services: a fine for each instance, and termination. For all others: a \$2,000 fine for each individual instance and submission of a corrective action plan.</u></p>	<p><u>For harmful goods or services: a fine for each instance, and termination. For all others: a \$3,000 fine for each individual instance and suspension.</u></p>	<p><u>Termination.</u></p>	<p><u>Termination.</u></p>
<p><u>(7)(g) A pattern of failure to provide goods or services that are medically necessary.</u> [409.913(14)(g), F.S.];</p>	<p><u>A fine and submission of a corrective action plan.</u></p>	<p><u>A fine for each instance; and suspension.</u></p>	<p><u>A fine for each instance; and suspension.</u></p>	<p><u>Termination.</u></p>	<p><u>Termination.</u></p>
<p><u>(7)(h) Submitting false Medicaid claims, or a pattern of erroneous Medicaid claims.</u> [409.913(14)(h), F.S.];</p>	<p><u>For false claims: termination. For a pattern of erroneous claims: a \$1,000 fine for each claim in the pattern; and submission of a corrective action plan.</u></p>	<p><u>For false claims: Termination. For a pattern of erroneous claims: A \$2,000 fine for each claim in the pattern; suspension; and upon the conclusion of the suspension, submission of a corrective action plan.</u></p>	<p><u>Termination.</u></p>	<p><u>Termination.</u></p>	<p><u>Termination.</u></p>
<p><u>(7)(i) Submitting certain documents containing information that is either materially false or materially incorrect.</u> [409.913(14)(i), F.S.];</p>	<p><u>A fine for each separate violation; and suspension.</u></p>	<p><u>Termination.</u></p>	<p><u>Termination.</u></p>	<p><u>Termination.</u></p>	<p><u>Termination.</u></p>

(7)(j) Collecting or billing a recipient improperly. [409.913(14)(j), F.S.];	<u>A \$1,000 fine for each instance.</u>	<u>A \$2,500 fine for each instance.</u>	<u>A \$5,000 fine for each instance; and suspension.</u>	<u>A fine for each instance; and suspension.</u>	<u>Termination.</u>
(7)(k) Including unallowable costs after having been advised. [409.913(14)(k), F.S.];	<u>A fine.</u>	<u>A fine</u>	<u>A fine for each unallowable cost.</u>	<u>A fine for each unallowable cost.</u>	<u>A fine for each unallowable cost.</u>
(7)(l) Being charged with fraudulent billing practices. [409.913(14)(l), F.S.];	<u>Suspension for the duration of the indictment. If the provider is found guilty, termination.</u>	<u>Suspension for the duration of the indictment. If the provider is found guilty, termination.</u>	<u>Suspension for the duration of the indictment. If the provider is found guilty, termination.</u>	<u>Suspension for the duration of the indictment. If the provider is found guilty, termination.</u>	<u>Suspension for the duration of the indictment. If the provider is found guilty, termination.</u>
(7)(m) Negligently ordering or prescribing, which resulted in the patient's injury or death. [409.913(14)(m), F.S.];	<u>Termination.</u>	<u>Termination.</u>	<u>Termination.</u>	<u>Termination.</u>	<u>Termination.</u>
(7)(n) Failure to demonstrate sufficient quantities of goods or sufficient time to support the corresponding billings or claims made to the Medicaid program. [409.913(14)(n), F.S.];	<u>A \$1,000 fine and submission of a corrective action plan.</u>	<u>A \$2,500 fine and submission of a corrective action plan.</u>	<u>A \$5,000 fine and suspension.</u>	<u>Termination.</u>	<u>Termination.</u>
(7)(o) Failure to comply with the notice and reporting requirements of s. 409.907. [409.913(14)(o), F.S.];	<u>A \$1,000 fine.</u>	<u>A \$2,000 fine.</u>	<u>A \$3,000 fine.</u>	<u>A \$4,000 fine.</u>	<u>A \$5,000 fine.</u>
(7)(p) Committing patient abuse or neglect, or any act prohibited by s. 409.920. [409.913(14)(p) and 409.913(24)(b), F.S.];	<u>A fine per instance, and suspension.</u>	<u>Termination.</u>	<u>Termination.</u>	<u>Termination.</u>	<u>Termination.</u>
(7)(q) Failure to comply with an agreed-upon repayment schedule. [409.913(14)(q), F.S.];	<u>A \$1,000 fine; and, where the provider remains out of compliance for 60 days, suspension; and, where the provider remains out of compliance for more than one year, termination.</u>	<u>A \$2,000 fine; and, where the provider remains out of compliance for 60 days, suspension; and, where the provider remains out of compliance for more than one year, termination.</u>	<u>A \$3,000 fine and suspension until in compliance; where the provider remains out of compliance for more than one year, termination</u>	<u>A \$4,000 fine and suspension until in compliance; where the provider remains out of compliance for more than one year, termination</u>	<u>A \$5,000 fine and suspension until in compliance; where the provider remains out of compliance for more than one year, termination</u>

Specific Authority 409.919 FS. Law Implemented 409.907, 409.913, 409.9131, 812.035 FS. History--New \_\_\_\_\_.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Kelly A. Bennett

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Timothy L. Byrnes



completing form UCT-7A and filing it with the Department no later than December 1 to be considered for the annual reporting of wages and paying taxes program commencing January 1 of the following calendar year.

(4) Forms. The forms referred to in this rule are incorporated by reference and are available from the Agency through its designee, the Department of Revenue, as provided in Rule 60BB-2.037, F.A.C.

Specific Authority 443.131(1) FS. Law Implemented 443.131(1) FS. History--New \_\_\_\_\_.

60BB-2.037 Public Use Forms.

(1) The following forms and instructions are used by the Department of Revenue in its dealings with the public in the administration of the unemployment compensation tax, and are hereby incorporated by reference in this rule.

(a) Form DR-1, Application to Collect and/or Report Tax in Florida (Rev. 08/01).

(b) LES Form UCS-2A, Questionnaire for Voluntary Election of Unemployment Compensation Coverage (Rev. 09/01).

(c) Form UCS-1S, Report to Determine Succession and Application for Transfer of Experience Rating Records (Rev. 12/01).

(d) Form UCS-2, Voluntary Election to Become an Employer Under the Florida Unemployment Compensation Law (Rev. 08/01).

(e) Form UCS-3, Florida Department of Revenue Employer Account Change Form (Rev. 08/01).

(f) Form UCS-6, Employers Reciprocal Coverage Election (Rev. 12/00).

(g) Form UCS-6061, Independent Contractor Analysis (Rev. 01/01).

(h) Form UCS-70, Application for Common Paymaster (Rev. 08/01).

(i) Form UCT-1, Notice of Benefits Paid (Rev. 12/00).

(j) Form UCT-6, Employer's Quarterly Report (Rev. 12/01).

(k) Form UCT-7, Florida Department of Revenue Employer's Unemployment Tax Annual Report for Employers of Domestic Employees Only (N. 12/03).

(l) Form UCT-7A, Application to Select Filing Period for Employers Who Employ ONLY Employees Who Perform Domestic Services (N. 07/02).

~~(m)~~ Form UCT-8A, Correction to Employer's Quarterly Report (UCT-6) (Rev. 4/01).

~~(n)~~ Form UCT-18, Notice of Tax Lien (Rev. 12/00).

~~(o)~~ Form UCT-29, Unemployment Compensation Reimbursement Invoice (Rev. 03/01).

~~(p)~~ Form UCT-50T, Florida Department of Revenue Magnetic Media Reporting Transmittal (Rev. 01/01).

~~(q)~~ Form UCT-FL06A, Incomplete Report Notice (Rev. 05/01).

~~(r)~~ Form UCT-FL13A, Missing Wage Report (Rev. 05/01).

~~(s)~~ Form UCT-62, Power of Attorney for Unemployment Tax (Rev. 11/01).

~~(t)~~ Form UCS-8, Firm's Statement of Claimant's Work and Earnings (Rev. 03/01).

(2) Copies of forms. Forms incorporated in this rule are available, without cost, from the Agency through its designee, the Department of Revenue, by one or more of the following methods:

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

(b) Faxing a request to the ~~Forms~~ Distribution Center at (850) 922-2208; or

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

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

(e) Downloading selected forms from the Department of Revenue's Internet site ([www.myflorida.com/dor](http://www.myflorida.com/dor));

(f) Dialing the TDD number for the Department of Revenue at 1(800)367-8331 for persons with hearing or speech impairments.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.036(19)(g),(34), 443.131, 443.171(1) FS. History--New 1-19-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Metz, Senior Attorney, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: metzm@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bruce Hoffmann, General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)488-0712

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Proposed new Rule 60BB-2.0255, F.A.C., was noticed for a rule development workshop in the Florida Administrative Weekly (FAW) on November 26, 2003 (Vol. 29, No. 48, pp. 4693 through 4694). The workshop was held on December 11, 2003. The proposed changes to Rule 60BB-2.0237, F.A.C., were noticed for a rule development workshop in the FAW on January 2, 2004 (Vol. 30, No. 1, pp. 1 and 2), and the workshop was held on January 20, 2004. No one attended the rule development workshops, and no one submitted written comments. After the workshop for Rule 60BB-2.0255, F.A.C., the Department changed the rule to delete language concerning how a taxpayer can obtain unemployment compensation tax forms and instructions from the agency (a similar provision already exists in Rule 60BB-2.037, F.A.C.)

**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 TITLES:	RULE NOS.:
Supervisor	64B3-5.002
Technologist	64B3-5.003
Technician	64B3-5.004
Director; Limitations and Qualifications	64B3-5.007
Public Health Laboratory Personnel	64B3-5.008

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board is clarifying provisions, reducing to 5 years histology experience for supervision requirements, adding the andology and embryology categories for all levels, adding histocompatibility requirements for technologists, and reorganizing the placement of provisions.

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

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

SPECIFIC AUTHORITY: 483.051, 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.041(5), 483.051(1), 483.800, 483.809, 483.811(2), 483.815, 483.823, 483.824 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist and complete a Board approved examination or complete 25 hours of Board approved continuing education in the area of

administration and supervision, which includes examination(s) accumulated over no longer than five years prior to application for licensure, shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:

(a) through (c) No change.

~~(d) In the categories of cytogenetics, cytology, radioassay, and molecular genetics, the experience required in paragraphs (a), (b) and (c) must be in the specific category for which licensure is sought.~~

~~(d)(e)~~ For the category of blood gas analysis only, an associate degree in cardiopulmonary function technology or respiratory care, five years of pertinent clinical laboratory experience and be licensed or meet the requirements for licensure as a technologist in the category of Blood Gases, or as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.

~~(e)(f)~~ For the category of Cytology only, a baccalaureate degree which shall include 16 semester hours of academic science, have completed an accredited or Board approved training program in cytology, be licensed or qualified as a clinical laboratory technologist and have five years of pertinent clinical laboratory experience in cytology. If ASCP (American Society of Clinical Pathologists) certified prior to 1985, have an associate degree or equivalent, national certification by the American Society of Clinical Pathologists, and 10 years of pertinent clinical laboratory experience within the past 15 years.

~~(g) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b) and (c), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the American Society of Clinical Pathologists, National Certification Agency of Medical Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.~~

~~(f)(h)~~ In the category of histology, one of the following:

1. Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists (ASCP) certification at the Histotechnologist (HTL) level and five years of pertinent experience.

2. Board certification gained by examination in histology through the Board of Registry of the ~~ASCP American Society of Clinical Pathologists~~ certification at the Histotechnician (HT) level, ~~five~~ ~~to~~ years of pertinent clinical laboratory experience post-certification, and ~~an additional 23~~ ~~48~~ hours continuing education in administration and supervision within five years prior to application for licensure.

3. Florida licensure or meeting the requirements for licensure as a histology technologist, ~~five~~ ~~to~~ years of pertinent clinical laboratory experience, and ~~an additional 23~~ ~~48~~ hours continuing education in administration and supervision within five years prior to application for licensure.

(g) In the category of andrology or embryology, applicants who are currently working in either of these fields and meeting all other requirements shall not be required to have a previous license as a technologist as long as they are licensed by the end of January 2006.

~~(i) Be licensed in a specialty as a technologist, meet the education and experience requirements under paragraph 64B3-5.002(1)(a), (b) or (c), F.A.C., and completes 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s), accumulated over no longer than five years prior to application for licensure. Course content must include the guidelines set forth in subsection 64B3-3.003(7), F.A.C. This continuing education may not be used to satisfy biennial renewal requirements.~~

(2) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b) and (c), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the ASCP, National Credentialing Agency of Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysts, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

~~(3)(2)~~ Adding Categories to an Active Supervisor's License. Licensed supervisors may add a category or categories by passing a technologist level examination and by providing proof of one year's experience for each category to be added.

(4) The Board approved Supervision and Administration examinations, in lieu of the required 25 hours of supervision and administration required in (1) are:

1. The Diplomate in Laboratory Management examination on general supervision administered by the American Society for Clinical Pathology (ASCP).

2. The Specialist in Blood Banking administered by ASCP for Blood Banking and Immunohematology.

3. The Specialist in Cytotechnology administered by ASCP for licensure by endorsement as a supervisor in Cytology.

4. The Specialist in Chemistry administered by ASCP for licensure by endorsement for supervisors in Clinical Chemistry.

5. The Specialist in Hematology administered by ASCP for licensure by endorsement for supervisors in Hematology.

6. The Clinical Laboratory Supervisor administered by the National Credentialing Agency for Laboratory Personnel (NCA).

7. The Certified Histocompatibility Specialist Examination (CHS) administered by the American Board of Histocompatibility and Immunogenetics (ABHI).

8. The Specialist in Andrology or Embryology Examination administered by the American Board of Bioanalysts.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, \_\_\_\_\_.

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. All associate degrees used to qualify shall include, at a minimum, 60 semester hours of academic credit including a total of 16 semester hours of academic biological and/or chemical science. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood banking and blood gas analysis, cytology, cytogenetics, molecular genetics, histology, andrology and embryology shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety and at a minimum have one of the following:

(a) through (c) No change.

(d) A baccalaureate degree in a chemical or biological science, Florida licensure as a technician, and proof of completion of an accredited and/or Board approved clinical laboratory training program at the technician level.

(d) through (j) renumbered (e) through (k) No change.

~~(k) Individuals with a baccalaureate degree in a chemical or biological science, Florida licensure as a technician, and proof of completion of an accredited and/or Board approved clinical laboratory training program at the technician level, may qualify for a technologist license.~~

~~(l)(2)~~ Qualifications for Cytology Technologist. For the specialty of cytology, applicants for technologist shall possess a baccalaureate degree in cytology and be nationally certified in cytology by the American Society for Clinical Pathology. ~~Applicants shall have one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department.~~

~~(m)(3)~~ Qualifications for Histology Technologist. For the category of histology, applicants for technologist licensure shall have a high school diploma or its equivalent ~~one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department,~~ and have one of the following:

~~1.(a)~~ Board certification gained by examination in histology through the Board of Registry of the American Society for Clinical Pathology (ASCP) ~~certification~~ at the Histotechnologist (HTL) level.

~~2.(b)~~ Board certification gained by examination in histology through the Board of Registry of the ASCP American Society for Clinical Pathology certification at the Histotechnician (HT) level, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and five years of pertinent clinical laboratory experience.

~~3.(c)~~ Graduation from a NAACLS approved associate degree histotechnology program and Board certification gained by examination in histology through the Board of Registry of the ASCP American Society for Clinical Pathology certification at the Histotechnician (HT) level.

~~4.(d)~~ Board certification gained by examination in histology through the Board of Registry of the ASCP American Society for Clinical Pathology certification at the Histotechnician (HT) level and Qualification in Immunohistochemistry (QIHC).

~~5.(e)~~ Florida licensure as a histology technician, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and ~~five~~ 10 years of pertinent clinical laboratory experience.

~~(n)(4)~~ Qualifications for Cytogenetics Technologists. In the category of cytogenetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree in clinical laboratory, chemical or biological science, successfully passed the Cytogenetics examination given by the National Credentialing Agency for Laboratory Personnel (NCA) ~~one hour of Board approved HIV/AIDS continuing education~~ and have one of the following:

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

~~2.(b)~~ One year of pertinent clinical laboratory experience in cytogenetics.

~~(c)~~ Successfully passed the cytogenetics examination given by NCA (National Certification Agency for Medical Laboratory Personnel).

~~(o)(5)~~ Qualifications for Blood Banking Technologists. In the category of blood banking, applicants for technologist licensure shall have ~~one hour of Board approved HIV/AIDS continuing education,~~ a minimum of a baccalaureate degree in a clinical laboratory, chemical or biological science, certification by the ASCP Board of Registry in blood banking and have one of the following:

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

~~2.(b)~~ Documentation of graduation from an accredited Specialist in Blood Banking Program ~~and national certification by the American Society of Clinical Pathologists Board of Registry as a specialist in blood banking.~~

~~(p)(6)~~ Qualifications for Molecular Genetics Technologist. For the specialty of molecular genetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree, which shall include 16 semester hours of academic science, successfully passed the molecular biology examination given by NCA and successfully one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department, ~~and one of the following:~~(a) Successfully completed a technologist level accredited or Board approved program in molecular genetics.

~~(b)~~ One year of pertinent clinical laboratory experience in molecular genetics; or

~~(c)~~ Successfully passed the molecular biology examination given by NCA (National Certification Agency for Medical Laboratory Personnel).

~~(q)~~ Qualifications for Histocompatibility. Individuals working toward the eligibility requirement for application to take the Board approved certification exam in histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology. They must meet the requirements for eligibility to take the Board approved examinations in histocompatibility by receiving at least one year's notarized, documented relevant full-time work experience in an American Board of Histocompatibility and Immunogenetics (ABHI) approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.

~~(r)~~ Qualifications for Andrology or Embryology Technologist. For the specialties of andrology and embryology, applicants for technologist licensure shall have a minimum of an associate of arts degree, which shall include 24 hours of academic science and documentation of successful completion of one of the following:

1. A technologist level accredited or board approved program in andrology or embryology.

2. A baccalaureate degree and one year of pertinent clinical laboratory experience in the area of andrology or embryology.

3. An associate of arts degree and three years of pertinent clinical laboratory experience in the area of andrology or embryology.

(2) Approved examinations for licensure as a technologist:

(a) An examination in one or more of the following specialties: microbiology, serology/immunology, clinical chemistry, hematology, immunochemistry, blood banking/immunohematology, histology prepared by the ASCP, the American Medical Technologists (AMT), the NCA, or the American Association of Bioanalysis (AAB); or

(b) In the specialty of cytology, the Cytotechnologist Examination prepared by the Board of Registry of the ASCP; or

(c) In the specialty of cytogenetics, the Clinical Laboratory Specialist in Cytogenetics Examination prepared by the NCA; or

(d) In the specialty of histocompatibility, the Certification Examination for Histocompatibility Technologists, prepared by ABHI; or

(e) In the specialty of radioassay, the Certification Examination in Radioassay, prepared by the Clinical Ligand Assay Society Certification Board; or

(f) In the specialty of blood gas analysis, either the Cardiovascular Science Examination, prepared by Cardiovascular Credentialing International, or the Advanced Pulmonary Function Technologist Examination, prepared by the National Board of Respiratory Care; or

(g) In the specialty of blood banking/immunohematology, the Technologist Certification Examination in Blood Banking, or the Specialist in Blood Banking Certification Examination, prepared by the Board of Registry of ASCP are also acceptable in addition to the options stated in paragraph (2)(a) above; or

(h) In the specialty of andrology or embryology, the Examination in andrology or embryology prepared by AAB.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02, \_\_\_\_\_.

64B3-5.004 Technician.

(1) General Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university, or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C.

(2) Qualifications for General Laboratory Technicians. In order to be licensed as a general laboratory technician, which includes the categories of microbiology, serology/immunology, chemistry, hematology, and immunochemistry, histology, molecular genetics, andrology and embryology, an applicant shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause

analysis, error reduction and prevention, and patient safety, a minimum of a high school diploma or a high school equivalency diploma and one of the following:

(a) through (d) No change.

(e) An earned baccalaureate degree in medical technology Medical Technology which includes didactic and practical instruction in the areas of microbiology, serology/immunology, chemistry, hematology and immunochemistry.

~~(f)(3)~~ Qualifications for Histology Technicians. For the category of histology, applicants for technician licensure shall have certification one hour of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or its equivalent, examination in histology by the American Society of Clinical Pathologists, and one of the following:

(a) ~~Successful completion of a Board approved histology training program.~~

(b) ~~Successful completion of an accredited histology program.~~

(c) ~~Successful completion of a military histology training program consisting of 1500 clock hours of study within 12 calendar months.~~

(d) ~~Certification by the American Society for Clinical Pathology (ASCP) at the histotechnician (HT) level.~~

(g)(4) Qualifications for Molecular Genetics Technicians. To be licensed as a molecular genetics technician, an applicant shall have ~~one hour of Board approved HIV/AIDS continuing education,~~ a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.

(h) Qualifications for Andrology or Embryology Technician. For the category of andrology or embryology, applicants for technician licensure shall have documentation of successful completion of one of the following:

1. A technician level accredited or board accredited program in andrology or embryology.

2. A board approved technician level clinical laboratory training program.

3. A military clinical laboratory personnel training program, which shall consist of 1500 clock hours of study within 12 calendar months.

4. A baccalaureate degree and six months of pertinent clinical laboratory experience in andrology or embryology.

5. Five years of pertinent clinical laboratory experience in andrology or embryology.

~~(2)(5)~~ Qualifications for Technicians who perform High Complexity Testing. Technicians performing high complexity testing as defined in 42 C.F.R. 493.5 and 493.17, and who have been licensed after September 1, 1997, shall meet the minimum educational and training qualifications provided in 42 C.F.R. 493.1489 (March, 1999), incorporated herein by



reference, including a minimum of an associate degree in laboratory science, medical laboratory technology, or equivalent education and training.

~~(6) Responsibilities of Technicians. The technician shall:~~

~~(a) Perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirements contained in subsection 64B3-5.004(5), F.A.C.~~

~~(b) Follow the clinical laboratory's procedures for specimen handling, processing, test analyses, and reporting and maintaining records of patient test results.~~

~~(c) Notify a licensed technologist or supervisor whenever test systems are not within the clinical laboratory's defined acceptable levels of performance.~~

~~(d) Adhere to the clinical laboratory's quality control policies and document quality control activities, instrument and procedural calibrations and maintenance performed.~~

~~(e) Identify problems that may adversely affect test performance or reporting of test results and immediately notify a licensed technologist or supervisor.~~

~~(f) Document the corrective actions taken when test systems deviate from the clinical laboratory's established performance specifications.~~

~~(3) Approved examinations for licensure as a technician:~~

~~(a) The applicant shall qualify for licensure in the specialties of microbiology, serology/immunology, clinical chemistry, hematology, immunohematology, andrology, and embryology upon passage of the generalist examination of the American Society for Clinical Pathology (ASCP), the National Credentialing Agency for Laboratory Personnel (NCA), the American Medical Technologists (AMT), or the American Association of Bioanalysis (AAB) medical laboratory technician or medical technologist generalist examination; or~~

~~(b) In the specialty of histology upon passage of the histotechnician or histotechnologist examination administered by ASCP.~~

~~(c) There is no technician level radioassay, blood banking, blood gas analysis, cytology, histocompatibility or cytogenetics examination.~~

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02, 10-29-02, 2-11-03,

64B3-5.007 Director; Limitations and Qualifications.

(1) Limitations.

(a) through (d) No change.

(e) The category of molecular genetics shall be directed by a director licensed in the category of molecular genetics as specified in Rule 64B3-10.005, F.A.C., ~~or until January 1, 2003, by a director licensed in clinical chemistry.~~

(f) No change.

(2) Qualifications – Physician Directors. A physician licensed pursuant to Chapter 458 or 459, F.S., is eligible to direct a clinical laboratory in the category of certification or experience without obtaining a director's license by meeting one of the following requirements:

(a) Is certified by the American Board of Pathology in ~~anatomical or~~ clinical pathology.

(b) Is certified by the American Osteopathic Board of Pathology in ~~anatomical or~~ clinical pathology.

(c) Is certified in one of the laboratory specialties by an agency recognized by the U.S. Department of Education which includes the American Board of Internal Medicine, American Osteopathic Board of Internal Medicine, American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Nuclear Medicine, American Osteopathic Board of Nuclear Medicine, the American Board of Medical Genetics, the American Board of Bioanalysts ~~Bioanalysis~~, the American Board of Medical Laboratory Immunology, the American Board of Histocompatibility and Immunogenetics, the American Board of Internal Medicine's certification in Hematology and Medical Oncology, and American Osteopathic Board of Internal Medicine's Certification of Special Qualifications in Hematology and Oncology.

(d) through (f) No change.

(3) No change.

(4) Qualifications – Non-Physician Directors. Degrees or semester hours of academic credit required in this section shall be obtained at an accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. Currently licensed directors who no longer meet the provisions ~~herein, of Rule 64B3-5.007, F.A.C.~~, can retain and renew their director's license. In order to be licensed as a director, an applicant shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction, prevention, and patient safety, and shall meet the following requirements: holds an earned doctoral degree with a chemical, biological or

clinical laboratory science as a major and is certified in one of the laboratory specialties by an agency recognized by the U.S. Department of Education or the U.S. Department of Health and Human Services which includes the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Medical Genetics, the American Board of Bioanalysts Bioanalysis, the American Board of Medical Laboratory Immunology, and the American Board of Histocompatibility and Immunogenetics.

(5) Approved examinations for licensure as a director:

An applicant who qualifies for licensure as a director herein is required to pass a supervision and administration examination covering the subject matter of subsection 64B3-3.003(7), F.A.C., the Clinical Laboratory Director examination administered by the National Credentialing Agency for Laboratory Personnel (NCA), the examination for High Complexity Laboratory Director (HCLD) or one of the following:

(a) In the specialty of microbiology including public health laboratory directors, the examination in clinical microbiology prepared by the American Board of Medical Microbiology.

(b) In the specialty of serology/immunology, the examination in clinical immunology prepared by the American Board of Medical Laboratory Immunology.

(c) In the specialty of clinical chemistry including public health laboratory directors, the examination prepared by the American Board of Clinical Chemistry. If a director performs only the subspecialty of toxicology, the examination in toxicological chemistry prepared by the American Board of Clinical Chemistry.

(d) In the specialty of hematology, the hematology examination for high complexity clinical laboratory directors prepared by the American Board of Bioanalysis.

(e) In the specialty of cytogenetics, the specialty examination in clinical cytogenetics prepared by the American Board of Medical Genetics.

(f) In the specialty of molecular genetics, the specialty examination in molecular genetics prepared by the American Board of Medical Genetics.

(g) In the specialty of histocompatibility, the laboratory director examination in histocompatibility prepared by the American Board of Histocompatibility and Immunogenetics.

(h) In the specialty of andrology or embryology, the specialty examination in andrology or embryology prepared by the American Board of Bioanalysts.

(6) A licensed director is eligible to add a specialty by passing one of the specialty examinations specified in subsection (5).

Specific Authority 483.051, 483.805(4) FS. Law Implemented 483.041(5), 483.051(1), 483.811(2), 483.823(1), 483.824 FS. History--New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 590-5.007, Amended 5-26-98, 3-2-99, 3-24-02, 10-14-02, \_\_\_\_\_.

64B3-5.008 Public Health Laboratory Personnel.

(1) Applicants for director level licensure in the category of public health who are registered by the National Registry ~~in~~ ~~of~~ Clinical Chemistry ~~Certification~~ or the American Society ~~for~~ ~~of~~ Microbiology shall pass the supervision and administration examination ~~provided by subsection 64B3-7.001(1), F.A.C.~~

(2) Applicants for supervisor level licensure in the category of public health who are registered by the National Registry ~~in~~ ~~of~~ Clinical Chemistry ~~Certification~~ or the American Society ~~for~~ ~~of~~ Microbiology at the technologist level shall pass the supervision and administration examination ~~provided by subsection 64B3-7.001(2), F.A.C.~~

(3) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.809(2), 483.812 FS. History--New 5-26-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standards of Practice  
RULE NO.: 64B8-44.007

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify an exemption for federally funded programs administered by the state so long as the program conforms to federal statutes and applicable rules.

SUMMARY: The proposed rule amendment exempts federally funded programs from the requirement for clinician/client face-to-face nutritional assessments.

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

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

SPECIFIC AUTHORITY: 468.503(4), 468.507, 468.516(1)(a),(2)(a) FS.

LAW IMPLEMENTED: 468.503(4), 468.516, 468.517, 468.518 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-44.007 Standards of Practice.

Licensees, under Chapter 468, Part X, F.S., shall comply with the following standards in their professional practice and conduct, which reflect the ethical principles of the dietetic/nutrition professional and outline obligations of the licensee to self, client, society and the profession.

(1) through (20) No change.

(21) Except as excepted herein ~~t~~The licensee's initial nutritional assessment of a patient must be done in a face-to-face setting, and may not be done by telephone, fax, internet, or by any other means in which the patient is not physically present with the licensee. Communication between the patient and the licensee subsequent to the initial nutritional assessment may be accomplished either face-to-face or by other means, in the reasonable clinical judgment of the licensee. Federal programs that are federally funded are exempt from this subsection, so long as the administration of the program follows the dictates of the federal statutes and rules applicable to the program.

Specific Authority 468.503(4), 468.507, 468.516(1)(a),(2)(a) FS. Law Implemented 468.503(4), 468.516, 468.517, 468.518 FS. History--New 6-22-94, Formerly 61F6-50.007, Amended 2-20-96, Formerly 59R-44.007, Amended 7-14-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2004

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Continuing Education Requirements

RULE NO.: 64B8-52.001

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish certain continuing education courses as requirements for licensees' initial biennial renewal.

SUMMARY: The proposed rule amendment sets forth requirements for continuing education courses in prevention of medical errors and blood-borne diseases.

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE 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 \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2004

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLES: Criteria for Approved Continuing Education

RULE NOS.: 64B10-15.002

Approved Providers 64B10-15.0021

PURPOSE AND EFFECT: To update and clarify existing language and promulgate a new subsection containing criteria for providers who offer alternate programs or courses.

SUMMARY: The Board proposes to revise sections of these rules to correct the implication of the meaning of the rules and to introduce new language to clarify attendance in programs or

courses and set forth the requirements in the event providers offer different programs or courses other than initially submitted to the Board.

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

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

SPECIFIC AUTHORITY: 468.1685, 468.1685(1), 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013, 468.1715, 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Droz, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B10-15.002 Criteria for Approved Continuing Education.

(1) through (5) No change.

(6) To satisfy the requirements of this rule, attendance in the programs or courses of continuing education include personal presence at a live presentation or videoconferencing offering. Other means of obtaining continuing education hours may include a maximum of 10 hours credit in any biennium for correspondence courses, home study courses, tape and/or video cassette courses; or internet courses; or teleconferencing courses in the domains of practice ~~will be accepted~~ provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must be in one of the domains of practice listed in paragraphs 64B10-15.002(1)(a) through (f), F.A.C. A validation form shall be signed by the vendor and the licensee verifying the specific domains of practice covered in the video cassette course and total viewing time. Such verification/validation shall clearly indicate the course is a "correspondence course," "home study course," "tape or video cassette course," or "~~teleconferencing course,~~" "internet course" and that the licensee passed the course; in order to be accepted as proof of attendance.

(7) through (10) No change.

Specific Authority 468.1685(1), 468.1715(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History--New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, 12-2-02, 8-11-03,\_\_\_\_\_.

64B10-15.0021 Approved Providers.

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

(h) Explanation of how the provider intends to maintain a roster of course attendees; ~~and~~

(i) Curriculum vitae of the course speakers or instructors; ~~and-~~

(j) Agenda for the program or course given to the participants.

(4) Those applying for approved provider status shall pay an initial approval fee of \$100.00. A provider seeking to renew approved provider status, shall pay a biennial ~~biannual~~ renewal fee of \$100.00.

(5) No change.

(6) During the applicable biennium, an approved provider may offer additional programs or courses different than the one initially approved by the board if an outline is submitted in advance to the Board before its use or presentation. The outline shall contain an agenda, the course learning objectives, the applicable Domains of Practice covered by the course or program, the number of continuing education hours that will be earned, a sample program evaluation form, the method of presentation and the curriculum vitae of the course or program speakers or instructors. This additional course or program outline may be submitted through electronic format to the Board.

~~(7)(6)~~ No change.

(8)(7) The Board shall periodically monitor and review at random or upon the filing of a complaint, all continuing education programs and shall rescind the provider status or reject individual programs offered by a provider if the provider disseminates any false or misleading information in connection with the continuing education programs, fails to conform to rules of the Board, or if the provider or its faculty member(s) are found to be in violation of any of the provisions of Chapter 468, Part II or 456, F.S.

Specific Authority 468.1685, 468.1725 FS. Law Implemented 468.1715, 468.1725 FS. History--New 2-20-83, Amended 7-31-84, Formerly 21Z-15.021, Amended 3-5-89, 3-15-90, Formerly 21Z-15.0021, 61G12-15.0021, 59T-15.0021, Amended 11-15-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators

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

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

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003 and October 31, 2003

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Advertising  
 RULE NO.: 64B15-6.006

PURPOSE AND EFFECT: The proposed rule is intended to address appropriate advertising by physician assistants.

SUMMARY: The proposed rule sets forth criteria for appropriate advertising by physician assistants.

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

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

SPECIFIC AUTHORITY: 459.022(13) FS.

LAW IMPLEMENTED: 458.015(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.006 Advertising.

(1) Advertising by physician assistants is permitted so long as such information is in no way false, deceptive, or misleading.

(2) Physician assistant advertisements shall disclose the name of the primary supervising physician of the physician assistant advertising his or her services.

(3) Physician assistants may not claim any type of specialty board certification.

(4) Only physician assistants certified by the National Commission on Certification of Physician Assistants (NCCPA) may claim certification and employ the abbreviation "PA-C" next to his or her name.

(5) Failure to abide by the provisions of this rule shall constitute a violation of Section 459.015(1)(d) and (pp) and Section 456.072(1)(cc), Florida Statutes.

Specific Authority 459.022(13) FS. Law Implemented 458.015(1)(d) FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: December 6, 2004

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Fees For Application, Re-Application and Initial Licensure  
 RULE NO.: 64B17-2.001

PURPOSE AND EFFECT: The Board proposes to make revisions and additions to the current rule text.

SUMMARY: The rule specifies the application fee and validity of the application for one year, provides the fee for the laws and rules examination, an initial licensure fee and an unlicensed activity fee.

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

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

SPECIFIC AUTHORITY: 486.025, 486.041(1), 486.081(2) FS.

LAW IMPLEMENTED: 456.013, 456.065, 486.041, 486.061, 486.081, 486.103, 486.106, 486.107 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.001 Fees For Application, Re-Application and Initial Licensure Fees for Physical Therapists.

(1) Each applicant for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

(2) The application fee Endorsement—An applicant for licensure by endorsement is shall remit a fee of \$175 to the Department of Health with the application.

(3)(2) The application fee Examination—An applicant for licensure by taking the national examination is shall remit an application fee of \$100.

(4) The applicant is responsible for the \$25 application fee for taking the Florida laws and rules examination as prescribed by Rule 64B-1.016, F.A.C.

(5) When the Board certifies the applicant to sit for the examination, it is the applicant's responsibility to complete the examination process with the national vendor. In compliance with the Americans with Disabilities Act, any applicant requesting special accommodations shall comply with the Department of Health's Rule 64B-1.005, F.A.C.

(6) The initial licensure fee is \$100.

(7) The unlicensed activity fee is \$5.00. This fee is in addition to the initial licensure fee.

(8) If an applicant fails to pass the national examination and/or the laws and rules examination, the applicant is responsible to meet the same requirements as prescribed in subsection (2) through (5) of this rule where applicable.

Specific Authority 486.025, 486.041(1), 486.081(2) FS. Law Implemented 456.013, 456.065, 486.041(4), 486.061, 486.081, 486.103, 486.106, 486.107 FS. History--New 12-13-83, Amended 5-29-85, Formerly 21M-7.25, Amended 6-20-89, Formerly 21M-7.025, 21MM-2.001, 61F11-2.001, 59Y-2.001, Amended 2-1-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2004

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Biennial Renewal and Inactive Status;  
Delinquency; Reactivation; and  
Change of Status Fees  
RULE NO.: 64B17-2.005

PURPOSE AND EFFECT: The Board proposes to make revisions and additions to the current rule text.

SUMMARY: This rule specifies the fees pertinent to licensees in all degrees of status for both physical therapists and physical therapy assistants. It explains a statutory provision regarding licenses going null.

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

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

SPECIFIC AUTHORITY: 486.025, 486.085 FS.

LAW IMPLEMENTED: 456.036(4),(6), 486.085, 486.108(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.005 Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees Fee for Physical Therapists and Physical Therapist Assistants.

Each licensed physical therapist and physical therapist assistant shall submit a biennial fee for the renewal of his or her license no later than the last day of each biennial period, as defined by the Department.

(1) The biennial renewal fee for an active license is for physical therapists shall be \$100.

(2) The biennial renewal fee for an inactive license is \$50. Inactive status automatically revokes the privilege to practice in Florida physical therapist assistants shall be \$100.

(3) A license which is not renewed at the end of the biennium as prescribed by the Department shall automatically revert to delinquent status. Delinquent status automatically revokes the privilege to practice in Florida. The delinquency fee is \$55.

(4) The unlicensed activity fee is \$5.00. This fee is in addition to the active or inactive licensure renewal fee.

(5) The fee for reactivation is \$50.

(6) The change of status fee is \$40.

(7) Failure by a delinquent licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without further action by the board or the Department. Any subsequent licensure shall be as a result of applying for and meeting all requirements at the time of application.

Specific Authority 486.025, 486.085(4) FS. Law Implemented 456.036(4),(6), 486.085, 486.108(1) FS. History--New 8-6-84, Formerly 21M-8.10, Amended 9-22-87, 6-20-89, Formerly 21M-8.010, Amended 10-17-90, Formerly 21MM-2.005, 61F11-2.005, 59Y-2.005, Amended 12-6-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2004

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Examination Security and Sanctions  
for Subversion  
RULE NO.: 64B17-3.006

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board includes “licensee” as subject to this exam security rule.

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

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

SPECIFIC AUTHORITY: 486.023(4), 486.025 FS.

LAW IMPLEMENTED: 456.017(1)(d) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.006 Examination Security and Sanctions for Subversions.

(1) The Board incorporates Department Rule 64B-1.004, F.A.C., relating to the security of examinations.

(2) An applicant, licensee, or examinee who is found by the Board, prior to, during, or after the administration of an examination, to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be disqualified from taking the examination and from licensure as a physical therapist, and shall receive a failing grade on the examination if applicable.

Specific Authority 486.023(4), 486.025 FS. Law Implemented 456.017(1)(d) FS. History—New 6-12-03, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Examination Security and Sanctions  
for Subversion  
RULE NO.: 64B17-4.006

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board includes “licensee” as subject to this exam security rule.

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

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

SPECIFIC AUTHORITY: 486.023(4), 486.025 FS.

LAW IMPLEMENTED: 456.017(1)(d) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.006 Examination Security and Sanctions for Subversions.

(1) The Board incorporates Department Rule 64B-1.004, F.A.C., relating to the security of examinations.

(2) An applicant, licensee, or examinee who is found by the Board, prior to, during, or after the administration of an examination, to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be disqualified from taking the examination and from licensure as a physical therapist assistant, and shall receive a failing grade on the examination if applicable.

Specific Authority 486.023(4), 486.025 FS. Law Implemented 456.017(1)(d) FS. History—New 6-17-03, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

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

RULE NO.: 64B17-5.002

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: Military spouses must notify the Board of a change in status and are exempt from requirements during the second half of a biennium.

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

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

SPECIFIC AUTHORITY: 456.024(2), 486.025 FS.

LAW IMPLEMENTED: 456.024(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-5.002 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

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

Specific Authority 456.024(2), 486.025 FS. Law Implemented 456.024(2) FS. History--New 5-18-00, Amended \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Minimum Standards of Physical  
Therapy Practice

RULE NO.: 64B17-6.001

PURPOSE AND EFFECT: The Board proposes to delete language from the current rule text.

SUMMARY: The Board is removing a reference to temporary permit holders.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 483.021(6),(9),(10),(11), 486.123, 486.125(1)(b),(d),(e),(f),(i),(j), 486.135, 486.151(1)(d) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-6.001 Minimum Standards of Physical Therapy Practice.

(1) Definitions – For purposes of this rule only, the words and phrases listed below are defined in the following manner:

(a) through (e) No change.

~~(f) Supervision of temporary permit holders — Direct Supervision by a licensed physical therapist.~~

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

(2) through (8) No change.

Specific Authority 486.025 FS. Law Implemented 483.021(6),(9),(10),(11), 486.123, 486.125(1)(b),(d),(e),(f),(i),(j), 486.135, 486.151(1)(d) FS. History--New 8-6-84, Formerly 21M-9.30, Amended 9-22-87, Formerly 21M-9.030, Amended 9-5-90, 3-5-92, 3-24-93, Formerly 21MM-6.001, 61F11-6.001, Amended 8-16-95, Formerly 59Y-6.001, Amended 1-8-98, 1-11-99, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2004



**DEPARTMENT OF HEALTH  
Board of Physical Therapy Practice**

RULE TITLE: Citations  
RULE NO.: 64B17-7.002

PURPOSE AND EFFECT: The Board proposes to make revisions and additions to the current rule text.

SUMMARY: Citation violations must be corrected within 60 days except continuing education violations may be corrected in 6 months. The Board specifies amounts and corrects clerical errors.

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

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

SPECIFIC AUTHORITY: 456.077, 486.025 FS.

LAW IMPLEMENTED: 456.077 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.002 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, and impose whatever obligations will remedy the offense, except that up to six months shall be permitted with regard to the completion of continuing education credit hours. If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S.

(2) No change.

~~(3) The citation may be served upon the licensee by hand delivery or certified mail at the licensee's last known home address. If service by certified mail fails because the licensee has relocated without leaving a forwarding address, then the Department shall endeavor to give the subject actual or constructive notice of the pending disciplinary action as permitted by law.~~

~~(3)(4)~~ The Board designates the following as citation violations:

(a) Advertising for discounted services (Section 456.062, F.S.) – A fine of \$250 for first offense.

(b) Failure to turn over patient records (Section 456.057, F.S.) – ~~If corrected, a citation and~~ A fine of \$100; if not corrected, referral to probable cause.

~~(e) First-time failure of the licensee to satisfy AIDS education coursework (Rule 64B17-8.001, F.A.C.) – If coursework completed, \$250 fine. If not completed, \$500 fine and sixty days to complete coursework or matter will be referred to probable cause.~~

~~(c)(d)~~ Obtaining a license by issuing a bad check (Section 456.072(1)(h), F.S.) – A fine of ~~If the check and bad check fee are paid, \$100 fine.~~

~~(d)(e)~~ Failure to report in writing to the Board ~~within 30 days~~ after criminal conviction of licensee (Section 456.072(1)(w), F.S.) – A fine of ~~If reported within six months of conviction, \$250 fine.~~

~~(e)(f)~~ ~~Failure~~ ~~First-time failure~~ of the licensee to satisfy continuing education requirements established by the Board (Rule 64B17-9.001, F.A.C.) – ~~If the licensee rectifies the deficiencies within six months after notification of audit deficit, \$500 fine.~~

1. Failure to complete less than 9 hours, a fine of \$300.

2. Failure to complete between 9 and 16 hours, a fine of \$600.

3. Failure to complete between 17 and 24 hours, a fine of \$1,000.

~~(f)(g)~~ Failure to notify the Board office in writing ~~within 60 days~~ of a change of address (Rule 64B17-6.004, F.A.C.), = A fine of \$250 fine.

~~(g)(h)~~ Failure to comply with a continuing education audit request (Section 486.109(4) and 486.125(k), F.S.), = \$250 within 30 days of the request fine.

~~(h)(i)~~ Failure to pay required fees and/or fines in a timely manner; (Rule 64B17-7.0025, F.A.C.).

(5) In addition to the penalties established in this rule, the Department shall recover the costs of investigation in accordance with its rules. The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

(6) If the subject does not dispute ~~disputes~~ any matter contained in the citation, within thirty days after service, ~~the Department shall follow the procedure set forth in Section 456.073, F.S.~~ Otherwise, the citation shall become a final order of the Board.

Specific Authority 456.077, 486.025 FS. Law Implemented 456.077 FS. History—New 1-19-92, Formerly 21MM-7.003, Amended 10-28-93, Formerly 61F11-7.003, 59Y-7.003, Amended 1-6-99, 1-6-02, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 12, 2003

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

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Mediation  
RULE NO.: 64B17-7.004

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Notice of Noncompliance  
RULE NO.: 64B17-7.005

PURPOSE AND EFFECT: The Board proposes to make revisions and additions to the current rule text.

PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUMMARY: The Board is adding change of address and bad check violations to those subject to mediation when the licensee has an opposing point of view as to what occurred

SUMMARY: This rule specifies that for a change of address or bad check, the penalty will be a notice of noncompliance if corrected within 15 days of receipt of the notice.

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

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

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

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

SPECIFIC AUTHORITY: 486.025, 456.078 FS.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 486.025 FS.

LAW IMPLEMENTED: 456.078 FS.

LAW IMPLEMENTED: 120.695, 456.073(3) FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.004 Mediation.

The Board finds that mediation is an acceptable resolution of the following violations that are economic in nature or can be remedied by the licensee, where the licensee has a differing view from the complainant as to the nature or extent of the violation:

64B17-7.005 Notice of Noncompliance.

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

(1) Failure to respond timely to a continuing education audit as required by Section 486.109(4), F.S.

(1) Failure to notify of a change of address within 60 days as required by Rule 64B17-6.004, F.A.C.

(2) Failure to notify the Department of a change of address as required by Rule 64B17-6.004, F.A.C. ~~Failure to renew the license timely, if renewed within six months of expiration.~~

(2) Non-intentional issuance of a bad check to the Department under Section 486.125(1)(k), Florida Statutes.

(3) Issuance of a bad check to the Department under Section 486.125(1)(k), F.S.

Specific Authority 120.695, 456.073(3), 486.025 FS. Law Implemented 120.695, 456.073(3) FS. History—New \_\_\_\_\_.

Specific Authority 486.025, 456.078 FS. Law Implemented 456.078 FS. History—New 12-22-94, Formerly 59Y-7.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

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

## DEPARTMENT OF HEALTH

### Board of Podiatric Medicine

RULE TITLE: Penalties  
RULE NO.: 64B18-14.002

PURPOSE AND EFFECT: The Board proposes the rule amendments in order to maintain the fiscal responsibility of the Board's trust fund.

SUMMARY: The proposed rule amendments raise penalty fines.

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

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

SPECIFIC AUTHORITY: 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS.

LAW IMPLEMENTED: 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.002 Penalties.

(1) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under Chapter 461, F.S., has committed any of the acts set forth in either Section 461.012 or 456.072, F.S., it shall issue a final order imposing appropriate penalties, plus costs based upon the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) Practicing or attempting to practice podiatric medicine or advertising podiatric services in this State without an active license to practice podiatric medicine pursuant to Chapter 461, F.S., or with a license fraudulently obtained. In the case of an applicant, the Board shall deny the application and impose a \$10,000 fine. In the case of a licensee who has obtained or attempted to obtain a license by fraud, the Board shall impose probation to revocation and a fine of \$10,000. In the case of a licensee who has practiced, attempted to practice, or advertised

while holding an inactive or delinquent license, the Board shall impose a reprimand with or without a period of suspension and a fine of \$10,000.

(b) through (d) No change.

(e) Using the name or title "Podiatrist," "Doctor of Podiatry," "Doctor of Podiatric Medicine," or using the phrase "foot clinic," "foot doctor," "Podiatric Technician," or any other name, title, or phrase which would lead the public to believe that such person is engaging in the practice of podiatric medicine, unless such person is licensed as a podiatric physician ~~podiatrist~~ in this State. The Board in the case of a licensee shall impose a penalty ranging from a reprimand to suspension, and a fine of \$1,000 to \$10,000. In the case of an applicant, the Board shall deny the application. If fraud, making a false or fraudulent representation is alleged and shown, a \$10,000 fine shall be imposed in addition to other actions.

(f) Knowingly concealing information relative to a violation of Chapter 461, F.S. The Board in the case of a licensee shall impose a penalty ranging from a reprimand to probation, and an administrative fine from \$500 to \$2,000 ~~\$250 to \$1,000~~. In the case of an applicant, the Board shall deny the application.

(2) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under Chapter 461, F.S., has committed any of the acts set forth in either Section 461.013(1), 456.013(7), 456.033, 456.053, 456.062, 456.067 or 456.072, F.S., it shall issue a final order imposing appropriate penalties based on the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) through (b) No change.

(c) Being convicted or found guilty, including any plea of nolo contendere, regardless of adjudication, of a crime in any jurisdiction which directly related to the practice of podiatric medicine or the ability to practice podiatric medicine. In the case of a licensee, the Board shall impose a penalty ranging from probation to revocation and a fine of \$1,000 to \$10,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Board shall deny the application.

(d) through (e) No change.

(f) Failing to report to the Department any person the licensee knows to be in violation of Chapter 461, F.S., or the rules of the Board or Department. The Board shall impose a penalty of a reprimand and a fine of \$500 to \$2,000 ~~\$250 to \$1,000~~.

(g) No change.

(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatric physician ~~podiatrist~~. The Board shall impose a penalty ranging from reprimand to suspension and a fine of \$5,000 ~~\$250~~ to \$10,000.

(i) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed podiatric physician ~~podiatrist~~. If negligent, the Board shall impose a penalty ranging from reprimand to probation and a fine of \$2,500 to \$10,000. If fraud, the Board shall impose a penalty ranging from probation to revocation and a fine of \$10,000.

(j) Paying or receiving any commission, bonus, kickback, rebate or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The Board shall impose a penalty ranging from reprimand to suspension and a fine of \$1,000 to \$10,000 ~~\$5,000~~.

(k) through (l) No change.

(m) Failing to keep written medical records justifying the course of treatment of the patient. The Board shall impose a penalty ranging from reprimand to probation and a fine of \$500 to \$2,000 ~~\$250 to \$1,000~~.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party. The Board shall impose a penalty ranging from probation to suspension and a fine of \$1,000 to \$10,000 ~~\$5,000~~.

(o) No change.

(p) Prescribing, dispensing, administering, mixing or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatric physician's ~~podiatrist's~~ professional practice. The Board shall impose a penalty ranging from probation to revocation and a fine of \$1,000 to \$10,000.

(q) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in Chapter 893, F.S., by the podiatric physician ~~podiatrist~~ to himself except those prescribed, dispensed or administered to the podiatric physician ~~podiatrist~~ by another practitioner authorized to prescribe, dispense or administer them. The Board shall impose a penalty ranging from probation to suspension and a fine of \$1,000 to \$10,000.

(r) No change.

(s) Being unable to practice podiatric medicine with reasonable skill and safety to patients by reason of illness, or use of alcohol, drugs, narcotic, chemicals or any other type of material or as a result of any mental or physical condition. The Board shall impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation

under such terms and conditions as set by the Board and a fine from \$500 to \$2,500 ~~\$250 to \$500~~. If the individual is an applicant, the Board shall deny the application.

(t) Gross or repeated malpractice or the failure to practice podiatric medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatric physician ~~podiatrist~~ as being acceptable under similar conditions and circumstances. The Board shall impose a penalty ranging from probation to revocation and a fine of \$1,000 to \$10,000, depending on the severity of the offense.

(u) No change.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform. The Board shall impose a penalty ranging from probation to revocation and a fine of \$1,000 to \$10,000 ~~\$5,000~~, depending on the severity of the offense.

(w) through (y) No change.

(z) Prescribing, ordering, dispensing, administering, supplying, selling or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (CG), or other hormones for the purpose of muscle building or to enhance athletic performance. The Board shall impose a penalty ranging from probation to suspension and a fine of \$5,000 to \$10,000 ~~\$1,000 to \$5,000~~.

(aa) No change.

(bb) Failure to report to the Department any licensee under Chapter 458 or 459, F.S., for violations of disciplinary provisions of their laws and rules. In the case of a licensee, the Board shall impose a penalty of a reprimand and an administrative fine of \$500 to \$2,000 ~~\$250 to \$1,000~~.

(cc) No change.

~~(dd) Entering a plea of nolo contendere to a crime which relates to the practice of, or the ability to practice podiatric medicine. In the case of a licensee, the Board shall impose a penalty of probation to revocation and an administrative fine of \$500 to \$1,000. In the case of an applicant, the Board shall deny the application.~~

(ee) through (ff) renumbered (dd) through (ee) No change.

~~(ff)(gg) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. The Board shall impose a penalty ranging from probation to revocation and a fine of \$5,000 to \$10,000~~ ~~\$500 to \$1,000~~.

~~(gg)(hh) No change.~~

~~(hh)(ii) Failure to report a criminal conviction or plea to the Board in writing within 30 days. The Board shall impose a penalty ranging from reprimand and a \$500 to \$1,000 administrative fine up to probation and a \$500 to \$1,000 administrative fine.~~

(jj) through (ll) renumbered (ii) through (kk) No change.

~~(ll)(mm)~~ Performing health care services on the wrong patient, wrong site, wrong or unauthorized procedure. The Board shall impose a penalty ranging from reprimand and probation to suspension, require continuing medical education, and impose a fine of \$1,000 to \$10,000 ~~\$5,000~~.

~~(mm)(nn)~~ Leaving a foreign object in patient. The Board shall impose a reprimand to probation and a fine of \$1,000 to \$10,000 ~~\$5,000~~.

(oo) through (pp) renumbered (nn) through (oo) No change.

~~(pp)(qq)~~ Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. The Board shall impose a penalty ranging from suspension to revocation and a fine of ~~up to \$1,000~~ to \$10,000.

~~(qq)(rr)~~ Failure to report sexual misconduct. The Board shall impose a reprimand and a fine of \$1,000 to \$10,000 ~~\$5,000~~.

Specific Authority 456.072, 456.073(3), 456.079, ~~461.003~~, 461.005, 461.013 FS. Law Implemented 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS. History--New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-86, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, 8-24-00, 8-13-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLES: Citations  
Mediation

RULE NOS.: 64B18-14.010  
64B18-14.011

PURPOSE AND EFFECT: The Board proposes the amendments in response to requests from the Department of Health to consider changes to the citations/mediation rules in an effort to provide for cost savings where there is no potential for harm to patients.

SUMMARY: The proposed rule amendments update violations and penalties.

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

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

SPECIFIC AUTHORITY: 456.077, 456.078, 461.005 FS.

LAW IMPLEMENTED: 456.057, 456.062, 456.072, 456.077, 456.078, 461.012, 461.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B18-14.010 Citations.

(1) through (2) No change.

(3) The following violations may be disposed of by the Department by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) CME violations. (Section 456.077(2) and 461.013(1)(w), F.S.).	Within <u>one year</u> <del>six months</del> of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND <u>\$500 fine per category</u> <del>\$200 fine</del>
1. Failure to document required <u>two (2) hour</u> <del>medical errors</del> , HIV/AIDS, Florida laws and rules, or risk management CME.	<u>\$300 fine</u>
<del>2. Failure to document required HIV/AIDS, Florida laws and rules and risk management CME.</del> 2.3- Documentation of some, but not all 40 hours of required CME for license renewal.	<u>\$50</u> <del>\$25</del> fine for each hour not documented
3.4- Failure to document any of the required hours.	<u>\$5,000 fine and reprimand</u> <del>1- \$1,000 fine</del> 2- Reprimand

- 5. ~~Failure to complete 2-hour course on medical errors.~~ \$300 fine
- (b) Practice on a delinquent an inactive status license for a period of up to three months. (Sections 461.012(1)(a) and 461.013(1)(w), F.S.). \$500 fine
- (c) Failure to notify Department of change of current mailing address and place of practice. (Sections 461.013(1)(h) and 456.035(1), F.S.). ~~\$500~~ \$200 fine
- (d) through (e) No change.
- (f) Soliciting patients. (Sections 456.072(1)(x), 456.077(2), 461.013(1)(k), and 461.013(1)(w), F.S.). ~~\$500~~ \$300 fine
- (g) Failure to comply with the requirements of profiling or credentialing. (Section 456.072(1)(v) and 456.077(2), F.S.). ~~\$500~~ \$1,000 fine
- (h) Failure to pay required ~~costs fees and fines.~~ \$2,500 fine and compliance of outstanding costs and fines within sixty days (Section 456.077(2), F.S.)
- (i) Failure to comply with Sections 381.026 and 381.0261, F.S., referencing patients bill of rights. (Section 456.077(2), F.S.) \$250 fine and compliance within sixty days

(4) No change.

(5) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, ~~which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects offered citations who chose to follow the procedures of Section 456.073, F.S.~~

(6) No change.

Specific Authority 456.077, 461.005 FS. Law Implemented 456.057, 456.062, 456.072, 456.077, 461.012, 461.013(7) FS. History–New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended 11-23-00, 8-13-02,\_\_\_\_\_.

64B18-14.011 Mediation.  
The Board of Podiatric Medicine has determined that the following violations are defined as mediation offenses:  
(1) Failure to supply copies of patient records in a timely manner when requested by a patient or a patient’s representative; Failure of the licensee to pay any assessed administrative fines or costs on time; assuming payment of the fine and the costs has been made, and

(2) Failure to post the patient’s bill of rights as required by Sections 381.026 and 381.0261, Florida Statutes; Failure of the licensee to respond to a continuing education audit on time, assuming a response has been made.

(3) Failure to update profiling requirements on a timely basis; and,

(4) Failure to provide proof of proper financial responsibility.

Specific Authority 456.078, 461.005 FS. Law Implemented 456.078 FS. History–New 3-26-95, Amended 6-17-97, Formerly 59Z-14.011, Amended 8-24-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2004

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Examination  
RULE NO.: 64B19-11.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address the content of the examination.

SUMMARY: A rule will be amended to address the content of the examination.

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

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

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton , Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.001 Examination.

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

(2)(a) The second part of the licensure examination is an ~~written~~ examination consisting of forty (40) objective questions which test knowledge of Florida Statutes and rules relevant to the practice of psychology in this State. The content of the examination is as follows:

SUBJECT	NO. OF QUESTIONS
1. Chapter 490, F.S. (Psychological Services Act)	<u>9</u> <del>43</del>
2. Section 90.503, F.S. (Psychotherapist-patient privilege)	<u>1</u> <del>3</del>
3. Chapter 394, Part I, F.S. (Florida Mental Health Act)	<u>7</u> <del>8</del>
4. Chapter 415, F.S. (Protection From Abuse, Neglect, and Exploitation)	<u>1</u> <del>3</del>
5. Chapter 64B19, F.A.C. (Board of Psychology)	<u>12</u> <del>43</del>
<u>6. Chapter 456, F.S.</u> (Health Professions and Occupations: General Provisions)	<u>8</u>
<u>7. Chapter 39, F.S.</u> (Proceeding Relating to Children)	<u>2</u>

(b) A raw score of thirty-two (32) correct answers (80%) is necessary to pass the second part of the licensure examination.

~~(e) The Department may administer this part of the examination, on a quarterly basis, by distributing and collecting it through the mail as an open book exam.~~

~~(d) If the applicant does not return the examination scan sheet/answer sheet by the deadline date that is set by the Department, the applicant will be required to repay the examination fee and retake the open book exam.~~

(3) through (4)(c) No change.

Specific Authority 456.017(1)(b),(c), 490.004(4) FS. Law Implemented 456.017(1)(b),(c),(d), 490.005 FS. History--New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, 1-10-01, 8-5-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology

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

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

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLES:	RULE NOS.:
Definitions	65A-1.701
Special Provisions	65A-1.702
Family-Related Medicaid Coverage Groups	65A-1.703
SSI-Related Medicaid Coverage Groups	65A-1.710
SSI-Related Medicaid Resource Eligibility Criteria	65A-1.712
SSI-Related Medicaid Income Eligibility Criteria	65A-1.713

PURPOSE AND EFFECT: This proposed rule amendment implements the Statewide Inpatient Psychiatric Program (SIPP) Waiver. The amendment also provides criteria for Hearing Officers to approve an increase in the community spouse resource or income allowances for the institutional care program. This amendment repeals the Qualified Medicare Reimbursement Only (QI2) program that ended December 31, 2002 by federal law.

SUMMARY: Rule 65A-1.701, F.A.C., clarifies the definition for Share of Cost. Rule 65A-1.702, F.A.C., repeals the Qualified Medicare Reimbursement Only (QI2) program that ended December 31, 2002. This rule amendment also implements the Statewide Inpatient Psychiatric Program (SIPP) waiver for individuals under age 18 who are at high risk of inpatient mental health services. Medically Needy and Medicare recipients are not eligible for this program.

The proposed rule amendment also provides for the actions that may be taken by a hearing officer during special spousal impoverishment fair hearings. The rule specifies the conditions under which a hearing officer may increase the spouse's income or resource allowances.

Rule 65A-1.703, F.A.C., is amended to include a cross reference to clarify income criteria for the Medically Needy Program.

Rule 65A-1.710, F.A.C., amendment incorporates by reference the redetermination form (CF-ES 2937) used for the Ron Silver Senior Drug Program and deletes the CF-ES form 103 Notice of Case Action, 06 2002, which is not used by this program.

Rule 65A-1.712, F.A.C., amendment adds language to clarify how policy will be applied for the purchase of a personal services contract and defines the criteria for fair compensation required by the contract.

This amendment clarifies that the policy of spousal impoverishment also applies to individuals receiving Medicaid under the Home and Community-Based Services Assisted Living Waiver program. The rule amendment incorporates by reference the current version of the CF-ES 2504, Assignment of Rights to Support, May 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This statement was not prepared.

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

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

TIME AND DATE: 9:00 p.m., March 22, 2004

PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nathan Lewis, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 448, Tallahassee, FL 32399-0700, (850)414-5927

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.701 Definitions.

(1) through (29) No change.

(30) Share of Cost (SOC): SOC represents the amount of recognized medical expenses that a Medically Needy enrolled individual or family must incur be responsible to pay each month before becoming eligible to receive Medicaid benefits for medical expenses incurred during the remainder of the month.

(31) through (36) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 4-1-03,

65A-1.702 Special Provisions.

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

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

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

(14) through (15) No change.

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

(17) Special Spousal Impoverishment Fair Hearings. In the Institutional Care, institutional Hospice and HCBS Assisted Living Waiver, community spouse income and resource allowances may be adjusted as follows during the fair hearing process.

(a) Income. A hearing officer may increase the community spouse's income allowance if either spouse establishes that the community spouse has exceptional circumstances resulting in significant financial duress, and the income allowance previously calculated by the Department is not sufficient to meet the community spouse's monthly needs as determined by the hearing officer.

1. Exceptional circumstances are those that are severe and unusual and that:

a. Prevent the community spouse from taking care of his or her activities of daily living; or

b. Directly threaten the community spouse's ability to remain in the community; or

c. Involve the community spouse's ability to provide constant and essential care for his or her disabled child, sibling or other immediate relative (other than the institutionalized spouse).

2. Significant financial duress is an expense or set of expenses that:

a. Directly arises from the exceptional circumstances described in subparagraph 1. above; and

b. Is not already factored in the minimum monthly maintenance income allowance (MMMIA); and

c. Cannot reasonably be expected to be met by the community spouse's own income and assets.

3. Expenses that are factored in the MMMIA and thus do not generally qualify as causing significant financial duress, include, but are not limited to:

a. Shelter costs, such as rent or mortgage payments;

b. Utility costs;

c. Condominium fees;

d. Real estate and personal property taxes;

e. Real estate, life and medical insurance;

f. Expenses for the upkeep of a home, such as lawn maintenance, replacement of roof, furnace or appliances;

g. Medical expenses reflecting the normal frailties of old age.

4. In order to increase the MMMIA, the hearing officer must find that the community spouse's significant financial duress is a direct result of the exceptional circumstances that affect him or her.

(b) Resources. The Community Spouse Resource Allowance in Florida is set at the maximum allowed by federal law. A hearing officer may grant exceptions to the Community Spouse Resource Allowance and raise it above the maximum when either spouse can verify that the Community Spouse Resource Allowance is not adequate to generate income the community spouse needs to meet the Minimum Monthly Maintenance Income Allowance (MMMIA). The amount of resources adequate to provide the community spouse the MMMIA shall be based on the cost of a single premium lifetime annuity with monthly payments equal to the difference between the MMMIA at the time of the fair hearing and the amount the community spouse's income is expected to be upon approval of institutional care benefits for the institutional spouse. In making this determination, the hearing officer considers the community spouse's actual income at the time of the fair hearing and any income that would be available from the institutional spouse upon approval of institutional care



benefits. This ensures that all income that will actually be available to the community spouse is considered before the resource allowance is revised. Upon approval by the hearing officer, the estimated cost of an annuity shall be substituted for the Community Spouse Resource Allowance when the amount of resources previously attributed to the community spouse is equal to or less than the estimated cost of an annuity. If the amount of resources previously attributed for the community spouse is greater than the estimated cost of an annuity, there will be no substitution granted by the hearing officer. The applicant shall not be required to purchase an annuity as a condition of Medicaid eligibility.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 4-22-98, 2-15-01, 9-24-01, \_\_\_\_\_.

65A-1.703 Family-Related Medicaid Coverage Groups.

(1) through (5) No change.

(6) Medically Needy. To be eligible for this coverage group the individual must meet the general requirements prescribed in Rule 65A-1.705 F.A.C.

(a) No change.

(b) The following provisions apply to Medically Needy.

1. The individual or family must have income equal to or less than the respective Medically Needy income standards prescribed in subsection 65A-1.716(2), F.A.C. If income exceeds the Medically Needy income standards refer to Rule 65A-1.707(2), F.A.C. Refer to Rule 65A-1.713, F.A.C., for additional income criteria applicable to the Medically Needy Program.

2. No change.

Specific Authority 409.919, 409.1451(8) FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919, 409.1451(5)(b), 409.1451(5)(c), 409.1451(7) FS. History—New 10-8-97, Amended 9-28-98, 2-15-01, \_\_\_\_\_.

65A-1.710 SSI-Related Medicaid Coverage Groups.

The department covers all mandatory coverage groups and the following optional coverage groups:

(1) through (5) No change.

(6) Ron Silver Senior Drug Program. A coverage group as defined in subsection 59G-12.002(4), F.A.C. AHCA sets an enrollment ceiling for this program as specified in Rule 59G-12.003, F.A.C. Four forms specific to the program are used in the eligibility determination process for this program. The application form is CF-ES Form 2935, Silver Saver (Application), Sept 2002 (~~incorporated by reference~~), and the eligibility notices are CF-ES Form 2936, Silver Saver Drug Program Notice of Case Action, Sept 2002, CF-ES Form 2936A, Ron Silver Senior Drug Program “Silver Saver” Notice of Case Action, October 2002, and CF-ES 2937 “Silver Saver” Redetermination Notice, Feb 2004 Form 103, Notice of Case Action, 06-2002 (all four ~~three~~ forms are incorporated by reference).

(7) No change.

(8) ~~Single copies~~ Copies of the forms incorporated by reference in this rule may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, \_\_\_\_\_.

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

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

(c) No penalty or period of ineligibility will be applied for the purchase of a personal services contract if the contract provides for fair compensation. Fair compensation is considered received when all of the following criteria are met:

1. The contract is legally binding under the Laws of Florida; and

2. The contract is actuarially sound; and

3. The hourly rate is equal to or less than the amount normally charged by a professional; and

4. The delivery of care services is clearly measurable and on a fixed schedule; and

5. The contracted services do not duplicate services already provided; and

6. the services are of a type commonly paid for.

(c) through (g) renumbered (d) through (h) No change.

(4) Spousal Impoverishment. The department follows 42 U.S.C. §1396r-5 for resource allocation and income attribution and protection when an institutionalized individual, including a hospice recipient residing in a nursing facility, has a community spouse. Spousal impoverishment policies also apply to an individual residing in an assisted living facility under an approved HCBS Assisted Living Waiver (ALW) program. Spousal impoverishment policies are not applied to individuals applying for, or receiving, HCBS waiver services with the exception of the previously noted program. The following paragraphs [(a) through (e)] apply to individuals residing in ALW facilities approved under an ALW program unless specified differently within the individual paragraph.

(a) through (d) No change.

~~(e) If either spouse can verify that the community spouse resource allowance provides income that does not raise the community spouse’s income to the State’s MMMIA, the resource allowance may be revised through the fair hearing process to an amount adequate to provide such additional income as determined by the hearing officer.~~

~~(f) Either spouse may appeal the amount of the income allowance through the fair hearing process and the allowance may be adjusted by the hearing officer if the couple presents proof that exceptional circumstances resulting in significant inadequacy of the allowance to meet their needs exist.~~

(e)(g) No change.

1. No change.

2. The institutional spouse assigns to the State any rights to support from the community spouse by submitting the CF-ES 2504, Assignment of Rights to Support Rights form, May 2003, (incorporated by reference) referenced in Rule 65A-1.400, F.A.C. This form must be signed by the institutionalized spouse or their representative; and

3. through 4. No change.

(5) Single copies of the form incorporated by reference in this rule may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, \_\_\_\_\_.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria.

(1) Income limits. An individual's income must be within limits established by federal or state law and the Medicaid State Plan. The income limits are as follows:

(b) through (c) No change.

(d) For ICP, gross income cannot exceed 300 percent of the SSI federal benefit rate after consideration of allowable deductions set forth in subsection 65A-1.713(2), F.A.C. Individuals with income over this limit may qualify for institutional care services by establishing an income trust which meets criteria set forth in paragraph 65A-1.702(15)(14)(a), F.A.C.

(e) through (l) No change.

(3) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robi Olmstead, Government Operations Consultant II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis, Program Administrator, Public Assistance Policy Bureau – Policy Unit  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2004

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 2002 and January 31, 2003

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLES:	RULE NOS.:
Definitions	69L-26.002
Requesting Assistance	69L-26.004

PURPOSE AND EFFECT: The purpose of the rules is to implement Section 440.185(12), Florida Statutes, relating to the availability of employee assistance officer.

SUMMARY: Rule 69L-26.002, F.A.C., is being amended to correct a statutory citation [Section from 440.191(2)(d) to 440.191(2)(a), Florida Statutes] in subsection 69L-26.002(2), F.A.C., and to include in the rule the form and manner of written notice of the availability of services from the Employee Assistance Office that the employer or carrier must provide the employee, pursuant to Section 440.185(12), Florida Statutes. Rule 69L-26.004, F.A.C., is being amended to delete the requirement in subsection 69L-26.004(1), F.A.C., that an injured party or any other party to a dispute involving a workers' compensation issue shall contact and request assistance from the Employee Assistance Office before filing a petition for a hearing before a Judge of Compensation Claims.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Regulatory costs are not expected to be significant.

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

SPECIFIC AUTHORITY: 440.185(12), 440.191(1)(b), 440.591 FS.

LAW IMPLEMENTED: 440.185(12), 440.191(2) FS.

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

TIME AND DATE: 2:00 p.m., March 23, 2004

PLACE: Room 104J, Hartman Building, 2012 Capitol Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andrew Sabolic, Policy Coordinator, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4220, (850)488-2514

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-26.002 Definitions.

For the purposes of these rules, the following definitions shall apply:

(1) "Carrier" means any insurance carrier, or any individually self-insured employer licensed as such pursuant to Section 440.38, Florida Statutes, or group self-insurance fund

licensed as such pursuant to Section 624.462, Florida Statutes, providing workers' compensation insurance and including the servicing agent and servicing company of any of the above.

(2) "Contact" as that term is used in Ch. 93-415, Section 24, Laws of Florida. [creating Section 440.191(2)(a)(d), Florida Statutes] means a party to a workers' compensation dispute has made "contact" with the EAO if he or she has done any of the following:

(a) Submitted to the EAO a Request for Assistance form (EAO-1) dated 6/17/94 and hereby incorporated by reference) which meets all the requirements set out in these rules; or

(b) Personally telephoned the EAO, spoken to an EAO representative, requested the assistance of the EAO, and as a result, the EAO has completed a Request for Assistance form (EAO-1) on behalf of the party so requesting.

(c) In the case of a minor or incompetent person, written or oral correspondence in accord with paragraph (2)(a) or (b), above requesting assistance from the EAO on behalf of the minor or incompetent person by his or her legally appointed guardian, shall constitute "contact" with the EAO for the purposes of these rules.

(d) In the case of a deceased person, written or oral correspondence in accord with paragraph (2)(a) or (b) above requesting assistance from the EAO on behalf of a deceased person by his or her personal representative shall constitute "contact" with the EAO for the purposes of these rules.

(e) The following will not be accepted by the EAO as a request for assistance and do not constitute "contact" with the EAO for purposes of these rules:

1. Written requests for assistance not submitted in accordance with these rules and on a Request for Assistance form (EAO-1); or

2. Written requests for assistance transmitted to the EAO by fax; or

3. Written requests for assistance not signed by the party to a workers' compensation dispute; or if the party to a dispute has retained an attorney, not signed by that attorney on behalf of the party; or if the party to a dispute is a minor or incompetent person, not signed by his or her legal guardian; or if the party to a dispute is deceased, not signed by his or her personal representative; or if the requestor is a health care provider that has provided authorized treatment to an injured worker, not signed by the health care provider; or

4. Telephone calls of an attorney to the EAO made on behalf of a party to a workers' compensation dispute, unless the attorney is the party to a dispute and is requesting assistance on his or her own behalf.

(3) "Division" means the Division of Workers' Compensation.

(4) "EAO" means the Employee Assistance and Ombudsman Office created by Ch. 93-415, Section 24, Laws of Florida [creating Section 440.191, Fla. Stat.]. Information or documentation requested or required by the EAO shall be

submitted only to the address and during the regular business hours of the EAO as contained in this rule. The address for the EAO shall be as follows:

(a) For filing of Requests for Assistance: Post Office Box 8010, Tallahassee, Florida 32314-8010.

(b) For responding to requests for information by the EAO: To the address specified by the EAO in the request.

(c) For all other purposes: 200 East Gaines Street Tallahassee, FL 32399-4224.

The telephone number shall be (850)488-5201 or 1(800)342-1741. The normal business hours for the EAO shall be 8:00 a.m. to 5:00 p.m., Eastern Standard Time, Monday through Friday (working days).

(5) "Fax" or "Faxed" means any written communication transmitted by facsimile or telecopy machine.

(6) "Good Faith Effort" means cooperating with the division's efforts to resolve disagreements between the parties. The division shall consider the following factors in determining whether a party or party's attorney has cooperated with the division's efforts:

(a) Whether the party or the party's attorney has telephoned or written to the employer or carrier and communicated that party's complaint or disputed issue(s) to the employer or carrier before requesting assistance from the EAO with that (those) same issue(s).

(b) Whether a party or the party's attorney has provided complete and "specific" (as that term is defined herein) information on a Request for Assistance form (EAO-1), or by telephone, in the event the EAO has completed the form for a party pursuant to a telephoned request for assistance from that party to the EAO.

(c) Whether a party or the party's attorney has timely provided documents in his or her possession or under his or her control to the EAO. The production of documents shall be timely if any documents requested by the EAO which are in the possession or under the control of the party from whom they are requested are submitted to the EAO within five (5) working days of the EAO's request for the documents.

(d) Whether a party or the party's attorney has timely participated in a conference requested by the EAO. Timely means that if feasible and practical, the parties shall: participate in a telephone conference within three (3) working days of a request by the EAO for a telephone conference; or, the parties shall participate in an in-person conference within five (5) working days of a request by the EAO for an in-person conference.

(e) Whether the party or party's attorney has provided true and complete information to the best of his or her ability and knowledge. Every party and attorney participating in the EAO's dispute resolution proceedings shall have an affirmative obligation to correct errors or omissions in information he or she has provided when an error is discovered, and to update all

receivers of previously submitted information as soon as it is discovered by the sender that the information previously submitted is no longer accurate or complete.

(7) "Informal Dispute Resolution" means the procedures established by these rules whereby the EAO, in response to a request for assistance in resolving a dispute regarding workers' compensation benefits, conducts an investigation and attempts to facilitate a resolution of any disputed issues.

(8) "JCC" means a Judge of Compensation Claims as that term is defined by Chapter 440, Florida Statutes.

(9) "Party" or "Person" includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(10) "Requestor" means the person requesting the assistance of the EAO. The requestor may be an actual party to a workers' compensation dispute, or an attorney representing a party to a workers' compensation dispute, or a legal guardian of an incompetent or minor person who is a party to a workers' compensation dispute or the personal representative of a deceased person who is a party to a workers' compensation dispute. The requestor may also be a health care provider that has provided treatment to an injured worker, where the employer or carrier has authorized the treatment by telephone or by fax and subsequently fails or refuses to pay for the treatment authorized.

(11) "Servicing Agent" or "Servicing Company" means any entity which has obtained approval pursuant to Florida law and administrative rule to contract with self-insurers for the purpose of providing all services necessary to plan and maintain an approved self-insurance program.

(12) "Specific" means:

(a) If a disputed issue is indemnity benefits, then in order to make a "specific" request for assistance, the requestor must state on the Request for Assistance form (EAO-1) a classification for each benefit sought, such as: temporary total disability, temporary partial disability, wage loss, permanent total disability, impairment benefit, or supplemental benefits. The requestor must state for each benefit sought and allegedly not paid, the time period for which the injured worker asserts he was eligible to receive the benefits.

(b) If the disputed issue is authorization for a particular health care provider or a particular health care service, then in order to make a "specific" request for assistance, the requestor must state the type of service or name of the health care provider that has been requested, and a justification for any health care services requested and not provided.

(c) If the disputed issue is payment of health care bill(s), then in order to make a "specific" request for assistance, the requestor must state the name and address of the health care provider, the date(s) of service and the amount(s) of the bill(s) for which payment is sought; and, if the requestor is a health care provider, the requestor must provide evidence that the

treatment was authorized by the employer or carrier, and that more than 45 days have elapsed since the bill(s) was (were) submitted for payment.

(d) If the disputed issue is mileage or prescription reimbursement, then in order to make a "specific" request for assistance, the requestor must state the drug or product prescribed, the name of the prescribing physician, the dollar amount requested and the date each reimbursement request was submitted to the employer or carrier. Legible copies of each mileage request or prescription, as applicable, must be attached to the Request for Assistance form (EAO-1) or timely provided to the EAO if requested by the EAO.

(13) "Working Day" means a day which is neither a Saturday, Sunday, or legal holiday observed by the State of Florida.

Specific Authority 440.591 FS. Law Implemented 440.191 FS. History--New 9-29-94, Amended 11-25-96, Formerly 38F-26.002, Amended \_\_\_\_\_.

#### 69L-26.004 Requesting Assistance.

(1) An injured worker or any other party to a dispute involving a workers' compensation issue shall contact and request assistance from the EAO, and make a good faith effort to participate in the informal dispute resolution proceedings of the EAO, ~~before filing a petition for a hearing before a JCC regarding the disputed issue(s).~~

(2) A request for assistance shall be accepted by the EAO and shall constitute contact with the EAO only if the request for assistance is submitted on a completed Request for Assistance Form (EAO-1) and is otherwise in accordance with these rules.

(3) The EAO shall, if requested to do so by an injured worker, or his or her legal guardian if the injured worker is a minor or is incompetent, or the personal representative of a deceased injured worker, or a health care provider that has provided authorized treatment to an injured worker when an employer or carrier fails or refuses to pay for the authorized treatment, complete a Request for Assistance form (EAO-1) for or on behalf of the party so requesting.

(4) An attorney representing an injured worker may submit a Request for Assistance form (EAO-1) on behalf of his or her client. An attorney wishing to file a Request for Assistance on behalf of another shall sign the form as the requestor on behalf of the client and mail or hand deliver the completed Request for Assistance form to the EAO at the address and during the business hours specified herein.

(5) Faxed copies of a Request for Assistance form (EAO-1) shall not be accepted by the EAO.

(6)(a) In order to facilitate requesting assistance, employers or carriers must provide the notice required by Section 440.185(12), Florida Statutes. For the purpose of that section, the form and manner determined by the department is providing, by mail or hand-delivery, the following notification to the injured employee:

Dear Injured Employee:

Your employer's insurance carrier is providing this information to you on behalf of the Employee Assistance Office of the Division of Workers' Compensation.

The Employee Assistance Office of the Division of Workers' Compensation is a state bureau within the Florida Department of Financial Services. We provide the following services:

- Serves as a resource for injured workers and employers by providing information about the workers' compensation system.
- Educates and informs injured workers, employers, carriers, health care providers, and managed care arrangements about their responsibilities under the law.
- Provides assistance in avoiding any problems or disputes regarding your claim.

Within three (3) days after receiving notice that you have been injured, the workers' compensation insurance carrier will mail you an informational brochure explaining your rights and responsibilities, as well as the carrier's obligations. It contains valuable information you need to know about the workers' compensation system. You may have received the informational brochure along with this letter. You can also obtain the brochure by calling us at: 1(800)342-1741 or e-mailing us at: [wceao@dfs.state.fl.us](mailto:wceao@dfs.state.fl.us).

You can also visit one of our local Employee Assistance Offices to receive personal, one-on-one service. To locate the office nearest you, call the toll free 1-800 number above or visit the Division's website at: [www.fldfs.com/WC/](http://www.fldfs.com/WC/) and click on "About Us".

Sincerely,

Tanner Holloman

Director, Division of Workers' Compensation

(b) This notification shall be mailed to the injured employee within three (3) days after the carrier receives notice of the employee's injury. This notification shall be on Department of Financial Services letterhead and shall be of original or print quality. The notification is available in MS Word format at [www.fldfs.com/WC/publications](http://www.fldfs.com/WC/publications) and is identified as the "Employee Notification Letter."

Specific Authority 440.185(12), 440.591 FS. Law Implemented 440.185(12), 440.191 FS. History—New 9-29-94, Amended 11-25-96, Formerly 38F-26.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Andrew Sabolic, Policy Coordinator, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Deputy Division Director, Division of Workers' Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: September 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

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

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NO.:	RULE TITLE:
12D-8.0082	Florida Uniform Market Area Guidelines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as originally noticed for a public hearing held on November 21, 2003, in the Florida Administrative Weekly of October 31, 2003 (Vol. 29, No. 44, pp. 4324-4326), and as subsequently noticed for a second hearing held on January 16, 2004, in the Weekly of January 2, 2004 (Vol. 30, No. 1, p. 126), and for which a notice of change was published in the Weekly of January 2, 2004 (Vol. 30, No. 1, pp. 115-116), has been withdrawn.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-501.302	Copying Services for Inmates

FOURTH NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 39, (September 26, 2003), Vol. 29, No. 44, (October 31, 2003), Vol. 29, No. 51, (December 19, 2003) and in Vol. 30, No. 3, (January 16, 2004) issues of the Florida Administrative Weekly:

33-501.302 Copying Services for Inmates.

(1) All institutions and facilities shall provide photographic copying services to inmates submitting legal documents and accompanying evidentiary materials to courts and administrative bodies. No provision of this section shall be implemented in such a way as to conflict with any rule or order of court.

(2) through (4) No change.

(5) Filing or service in actions challenging convictions, sentences, or prison conditions. Inmates who are without funds shall not be denied copying services for documents and

accompanying evidentiary materials needed to initiate a legal or administrative action or which must be filed or served in a pending action that challenges convictions and sentences or prison conditions, or are required to be filed or served per order of the court or administrative body. However, the cost of providing copies for documents to be filed or served is a debt owed by the inmate that shall be collected as follows: At the time the inmate submits his request for copies, the department shall place a hold on the inmate's account for the estimated cost of providing the copies. The cost of providing the copies shall be collected from any existing balance in the inmate's bank trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid. Copies shall be provided at a rate of \$0.15 per page.

(6) Unless they have sufficient funds in their inmate trust accounts to cover the complete cost of making the copies, ~~(a)~~ inmates shall not be provided copying services for:

~~(a) Legal or administrative proceedings that do not relate to a challenge of convictions or sentences, or to challenges of prison conditions unless they have sufficient funds in their inmate trust account to cover the complete cost of making the copies.~~

~~(b) Inmates shall not be provided copying services for Records requests pursuant to Rule 33-601.901, F.A.C., unless they have sufficient funds in their inmate trust fund account to cover the complete cost of making the copies. Liens will not be placed to recover these costs at a future date.~~

~~(b) Where a court order has been issued directing the department to provide copies of department records to an inmate, the copies shall be provided and a lien shall be placed on the inmate's account to recover the cost of the copies as provided in subsection (5) of this rule unless otherwise ordered by the court.~~

(c) Records requests pursuant to Rule 33-601.901, F.A.C.

(d) Requests for records made during the course of discovery.

(7) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, Formerly 33-602.405, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Allen Overstreet

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.010  
RULE TITLE: Payment Methodology for Nursing Home Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 29, No. 52, December 26, 2003, Florida Administrative Weekly, has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.020  
RULE TITLE: Payment Methodology for Inpatient Hospital Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 29, No. 52, December 26, 2003, Florida Administrative Weekly, has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.030  
RULE TITLE: Payment Methodology for Outpatient Hospital Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 29, No. 52, December 26, 2003, Florida Administrative Weekly has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.045  
RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known As ICF/DD Facilities)

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 29, No. 52, December 26, 2003, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Asbestos Licensing Unit**

RULE NO.: 61E1-1.002  
RULE TITLE: Continuing Education Requirements for Asbestos Consultants/Contractors

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 41, October 10, 2003, issue of the Florida Administrative Weekly.

61E1-1.002 Continuing Education Requirements for Asbestos Consultants/Contractors.

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

(b) Maintain records demonstrating that each asbestos abatement worker and onsite supervisor has completed a 1 day refresher course in each calendar year of each biennial period ~~refresher course each calendar year for each biennial period.~~ The refresher courses must have ~~met the requirements of~~ Section 469.012, Florida Statutes, and been courses of continuing education approved and required by the Department, and the records related to such course shall be furnished upon request pursuant to Rule 61-6.010, Florida Administrative Code. Such courses shall satisfy the criteria set forth in paragraph 61E1-2.006(2)(b), subparagraphs 61E1-2.006(4)(c)2., 61E1-2.006(4)(c)4., 61E1-2.006(4)(c)6., 61E1-2.006(4)(c)8., and 61E1-2.006(4)(c)11., Florida Administrative Code.

(3) No change.

Specific Authority 469.011, FS. Law Implemented 469.004(3), 469.012(4) 469.005(6), 455.004(6) FS. History--New 8-13-90, Formerly 21-25.002, Amended 11-11-97, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-21.001  
 RULE TITLE: Continuing Education for Interior Designers  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 47, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures committee (JAPC). The Board, at its meeting held on February 4, 2004, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

61G1-21.001 Continuing Education for Interior Designers.

(1) Each interior designer in Florida shall be required to establish the interior designer's ~~his~~ professional knowledge and competency in conformity with this rule by the completion of 20 contact hours of continuing professional education per biennium as secured through programs approved by the Board or by submission of proof of compliance with the continuing education requirements of another state in which the interior designer is licensed, provided that the requirements of the other state equal or exceed the completion of 20 contact hours in a two year period and be that the education build upon the basic knowledge of interior design.

(2) through (3) No change.

Specific Authority 481.2055 FS. Law Implemented 481.215(3),(4),(5) FS. History--New 11-29-90, Amended 9-2-92, Formerly 21B-21.001, Amended 5-4-97, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-24.001  
 RULE TITLE: Continuing Education for Interior Designers  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 47, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures committee (JAPC). The Board, at its meeting held on February 4, 2004, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

61G1-24.001 Continuing Education for Architects.

(1) Each architect in Florida shall be required to establish the architect's professional knowledge and competency in conformity with this rule by the completion of 20 contact hours of continuing professional education per biennium as secured through programs approved by the Board or by submission of proof of compliance with the continuing education requirements of another state in which the architect is licensed, provided that the requirements of the other state equal or exceed the completion of 20 contact hours in a two year period and be that the education build upon the basic knowledge of architecture.

(2) through (3) No change.

Specific Authority 481.215 FS. Law Implemented 481.215(3),(4),(5) FS. History--New 1-17-96, Amended \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.015  
 RULE TITLE: Certification of Specialty Structure Contractors  
 NOTICE OF CHANGE

Notice is hereby gives notice that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 44, of the October 31, 2003, Florida Administrative Weekly.

The changes are in compliance with the instructions of the full Board who voted and approved the changes at a public hearing held on February 13, 2004.

The changes are as follows:

Subsection (2)(b) shall now read:

(b) The scope of such work shall include and be limited to fabric coverings on metal substructures, screened porches, screened enclosures, pool enclosures, preformed panel-post and beam roofs, manufactured housing mobile home panel roof-overs, residential glass window and door enclosures, vinyl or acrylic panel window enclosures, guardrails, handrails, aluminum and vinyl fences, the installation or replacement of windstorm protective devices, single story self-contained aluminum utility storage structures (not to exceed 720 500 sq. ft.), residential glass window and door enclosures, sunrooms, siding, soffit, fascia and gutters. The installation or replacement of window and door assemblies certified in accordance with AAMA 101/ I.S.2 or Miami Dade TAS 201. 202. 203 as specified by the Florida Building Code in Group R occupancy buildings, as defined by the Florida Building Code, up to three stories or thirty feet in height. The installation or replacement of windstorm protective devices, except for impact resistant glazing, shall be unlimited, Division I Contractors shall be permitted to subcontract with Specialty Structure Contractors for the installation or replacement of window and door assemblies certified in accordance with AAMA 101/ I.S.2 or Miami Dade TAS 201. 202. 203 as specified by the Florida Building Code in buildings of Group R occupancy, as defined by the Florida Building Code, of any height.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-6.002  
RULE TITLE: Documentation for Licensure

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F. S., published in the Vol. 30, No. 1, January 2, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (4) of 64B3-6.002, F.A.C., Documentation for Licensure, shall now read as follows:

64B3-6.002(4):

(4) Notarized ~~Certified~~ copy of certificate of attendance or notarized documentation of training required pursuant to Chapters 64B3-4 and 64B3-3, F.A.C. and continuing education required pursuant to Chapter 64B3-11 64B3-7, F.A.C., including training required pursuant to Chapters 64B3-5 and 64B3-3, F.A.C., and HIV/AIDS continuing education, and the 2-hour course on medical error prevention approved pursuant to Chapter 64B3-11, F.A.C.

Specific Authority 483.805(4) FS. Law Implemented 483.815, 483.823 FS. History--New 1-9-94, Amended 7-13-94, Formerly 61F3-6.002, Amended 12-28-94, 5-29-95, Formerly 59O-6.002, Amended 8-27-97, 10-14-02,

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 HEALTH**

**Office of Vital Statistics**

RULE NO.: 64V-1.003  
RULE TITLE: Birth Certificate Amendments; Documentary Evidence Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 2, January 9, 2004 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Rule 64V-1.003, F.A.C., subsection (6) of the rule shall now be deleted in its entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathleen Dunkley Stephens, Office of Vital Statistics, 1217 Pearl Street, Jacksonville, Florida 32202.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NOS.: 65A-1.701, 65A-1.702, 65A-1.703, 65A-1.710, 65A-1.711  
RULE TITLES: Definitions, Special Provisions, Family-Related Medicaid Coverage Groups, SSI-Related Medicaid Coverage Groups, SSI-Related Medicaid Non-Financial Eligibility Criteria



65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria
65A-1.714	SSI-Related Medicaid Post-Eligibility Treatment of Income

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 29, No. 16, April 18, 2003 Florida Administrative Weekly has been withdrawn.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

<b>RULE CHAPTER NO.:</b>	<b>RULE CHAPTER TITLE:</b>
68B-8	Marine Special Activity License Program
<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68B-8.002	Definitions
68B-8.003	General Conditions and Restrictions
68B-8.009	Prohibited Species Collection Criteria
68B-8.010	Stock Collection and Release Special Activity License
68B-8.011	Aquaculture Broodstock Collection Special Activity License
68B-8.012	Snook Special Activity License
68B-8.013	Non-Conforming Gear Special Activity Licenses and Exemptions

**NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces changes to proposed new Rule Chapter 68B-8, F.A.C., relating to the Marine Special Activity License Program, as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 91-104. Changes were made to the following indicated portions of Rules 68B-8.002, 68B-8.003, 68B-8.009, 68B-8.010, 68B-8.011, 68B-8.012, and 68B-8.013. The remaining rules will be adopted without change.

68B-8.002 Definitions.

(1) through (19) No change.

(20) "Stock enhancement" means the process of releasing many organisms into a self-sustaining, naturally reproducing population of the same native species, in order to increase the number of breeders in that population. Stock enhancement represents an attempt to offset harvesting pressure or to expand stock size based upon a presumed underutilized carrying capacity of the environment.

(21) "Stock restoration" means the captive breeding and release of marine organisms to maintain or re-establish the demographic stability and biological diversity of a non-sustaining (inviable) or locally extirpated natural population (stock) until such time that a naturally self-sustaining stock can be re-established.

(22) No change.

68B-8.003 General Conditions and Restrictions.

(1) No change.

(2) APPLICATION, ISSUANCE, AND LICENSE PERIODS.

(a) A person may apply for and be issued a SAL at any time and a SAL may be valid for 12 months from the date of issuance with the following exceptions:

1. The period of validity of a Scientific Research SAL will be based on the duration of the proposed activity, provided that the duration is no longer than is necessary to achieve its stated purpose and it does not exceed 36 months from the date of issuance. The period of validity for a Scientific Research SAL issued for prohibited species may not exceed 12 months from the date of issuance.

2. The period of validity of an Education/Exhibition SAL issued for prohibited species is January 1 through December 31 of the year applied for. An application must be postmarked or hand-delivered to the Commission not later than November 1 before the year applied for and will be issued or denied by February 1 of that year.

3. The period of validity of a Governmental Purpose SAL will be based on the duration of the proposed activity, provided that it is no longer than is necessary to achieve its stated purpose.

4. The period of validity of a Nonprofit SAL is 36 months.

(b) No change.

(3) through (14) No change.

68B-8.009 Prohibited Species Collection Criteria.

(1) PURPOSE. This section establishes criteria for the issuance of a Scientific Research, Education/Exhibition, or Stock Collection and Release SAL involving the harvest of prohibited species from Florida waters and the possession of species legally harvested from the adjacent Exclusive Economic Zone (EEZ) for scientific research, educational, exhibitional, stock enhancement, or stock restoration purposes. The Commission utilizes the criteria established in this section to monitor and regulate harvest levels of prohibited species harvested from Florida waters and the adjacent EEZ while ensuring that such harvest activities do not adversely affect the stocks of such species.

(2) ELIGIBILITY. A SAL request involving the harvest of prohibited species will be authorized only for the following SAL applicants:

(a) An applicant for a Scientific Research SAL pursuant to Rule 68B-8.006, F.A.C.

(b) An applicant for an Education/Exhibition SAL pursuant to Rule 68B-8.007, F.A.C.

(c) An applicant for a Stock Collection and Release SAL pursuant to Rule 68B-8.010, F.A.C.

(3) through (4) No change.

68B-8.010 Stock Collection and Release Special Activity License.

(1) through (4) No change.

(2) ELIGIBILITY. A Stock Collection and Release SAL may be issued only to the following:

(a) An applicant eligible to receive a Scientific Research SAL pursuant to Rule 68B-8.006, F.A.C.

(b) An owner, director, or manager of a certified aquaculture facility.

(3) No change.

(4) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Stock Collection and Release SAL will be evaluated based on the applicant's genetic management plan. The principal goal of the plan must be the preservation and maintenance of the genetic diversity of potentially impacted natural populations. This plan must include the following information as applicable to the proposed activity:

(a) Geographical delineation of genetic management units for potentially impacted wild fish. A genetic management unit is defined as the total genetic information (gene pools) possessed by members of a natural population (stock). A natural population is a genetically distinct group of marine organisms whose members interbreed in the wild within their own group to produce subsequent generations of young.

(b) Management practices that will be employed to ensure that genetic material are not artificially transferred between natural stocks.

(c) Management practices that will be employed to minimize genetic impacts from propagation-related genetic changes in cultured organisms intended for release, such as inbreeding, domestication, and artificial selection.

(d) Management practices that ensure potential escapement rates and planned maximum numbers of organisms to be released per unit of time per location pose no short- or long-term threat to the genetic diversity of natural stocks via excessive genetic input.

(5) RELEASE REQUIREMENTS.

(a) A Stock Collection and Release SAL holder must coordinate all release activities with the Commission and obtain written authorization prior to conducting any release. A release may not be conducted without written authorization from the Commission.

(b) A marine organism will not be authorized for release unless it has been maintained in accordance with the Captivity Requirements set forth in the "Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine Organisms".

(c) A cultured marine organism will not be authorized for release if natural populations of the same species exist and the organism has been genetically modified by non-native (exogenous) gene insertion.

(d) Hatchery-reared finfish authorized for release must be distinguishable from wild finfish so that estimates of project success may be obtained through monitoring. The method used to identify hatchery-reared finfish is at the discretion of the SAL holder conducting the release. Potential distinguishing methods include but are not limited to internal or external mechanical tags, chemical marks, or genetic tags. All costs incurred in the fulfillment of this provision or any other provision of Rule 68B-8.010, F.A.C. will be the responsibility of the SAL holder.

(e) Prior to release, a representative sample of the marine organisms targeted for release must be submitted for a health examination. This examination must be conducted under the direction of a United States Department of Agriculture-certified veterinarian with fish health experience, or an American Fisheries Society-certified fish pathologist or fish health inspector. Exam results must be summarized in a USDA Health Certificate or a letter. The certificate or letter must state that the organisms appear to be normal, healthy, and suitable for release into the wild. The health examination will not be required when organisms are released in a larval form or cannot be readily evaluated using standard diagnostic protocols due to their size at release.

(6) REPORTING AND MONITORING REQUIREMENTS. A Stock Collection and Release SAL holder must submit the following:

(a) An activity report detailing all SAL-related harvest, sampling, and release activities. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested, numbers and sizes harvested, locations of harvest by county, and any mortalities that may have occurred.

(b) A copy of any publications, technical, monitoring, or final reports that were generated as a result of work conducted pursuant to the SAL. These reports must include the notation that research was conducted pursuant to the specific Commission Special Activity License.

(c) A post-release genetic monitoring program may be required if the genetic management plan submitted by the applicant does not provide the information necessary to determine the genetic impact of activities under the SAL, or if evaluation of the proposed activity determines that the genetic risks have not been minimized.

68B-8.011 Aquaculture Broodstock Collection Special Activity License.

(1) No change.

(2) ELIGIBILITY. An Aquaculture Broodstock Collection SAL may be issued only to the following:

(a) An applicant eligible to receive a Scientific Research SAL pursuant to subsection 68B-8.006(2), F.A.C.

(b) An owner, director, or manager of a certified aquaculture facility.

68B-8.012 Snook Special Activity License.

(1) through (6) No change.

(7) REPORTING REQUIREMENTS. A Snook SAL holder for the harvest of broodstock and production, possession, transport, or sale of broodstock progeny must submit the following:

(a) An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of snook. The activity report must include numbers and sizes of snook harvested, locations of harvest by county, and any mortalities that may have occurred. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

(b) Documentation of each sale of progeny sold, as specified in paragraph 68B-8.012(5)(b), F.A.C.

68B-8.013 Non-Conforming Gear Special Activity Licenses and Exemptions.

(1) through (7) No change.

(8) NONPROFIT CORPORATION SPECIAL ACTIVITY LICENSE.

(a) through (d) No change.

(e) REPORTING REQUIREMENTS. A Nonprofit Corporation SAL holder must submit the following documentation during the 12th month, 24th month, and within 30 days of the expiration of the SAL or during the renewal application process if the SAL is requested for renewal:

1. An activity report documenting the harvest of all specifically named marine organisms authorized for harvest pursuant to a Nonprofit Corporation SAL, and of all marine organisms not reported via the Marine Fisheries Trip Ticket (MFTT) system, by the marine organism's common name and scientific classification, amount harvested, and, if sold, the entity to whom sold.

2. Marine Fisheries Trip Tickets, except that a marine organism must not be reported via a trip ticket if one or more of the following apply:

a. The marine organism is specifically named in the Nonprofit Corporation SAL.

b. The marine organism has no species code in the MFTT system.

c. The marine organism is subject to a seasonal restriction on its commercial harvest and sale.

d. The commercial licensing requirements for the marine organism have not been met.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Tarpon

RULE NO.:	RULE TITLE:
68B-32.005	Boca Grande Pass Designated Boundaries; Seasonal Restrictions

**NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces changes to proposed amendments and new rule for Rule Chapter 68B-32, F.A.C., relating to tarpon, as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 110-111, with previous changes published in the January 9, 2004 issue, Vol. 30, No. 2, pages 176-177. The proposed amendments to Rules 68B-32.002 and 68B-32.004, F.A.C., were not changed.

Proposed new Rule 68B-32.005, F.A.C., was changed to read:

68B-32.005 Boca Grande Pass designated boundaries; seasonal restrictions.

(1) BOCA GRANDE PASS BB For purposes of this rule, Boca Grande Pass shall consist of all waters located within the following boundaries:

Begin at the westernmost edge of the Phosphate Dock (261 43.216° North Latitude, 821 15.517° West Longitude) on the southeast bay side of Gasparilla Island; thence proceed due east on a straight line to the westernmost edge of the intracoastal waterway (261 43.216° North Latitude, 821 14.705° West Longitude); thence proceed in a southerly direction to the #75 Intracoastal Waterway Marker (261 42.299° North Latitude, 821 14.580° West Longitude) on the northeast bay side of Cayo Costa; thence proceed westerly across Cayo Costa to the QR test buoy (261 42.002° North Latitude, 821 15.448° West Longitude) on the northwest Gulf coast side of Cayo Costa; thence proceed westerly on a straight line to the #12 red buoy (261 42.336° North Latitude, 821 16.748° West Longitude) marking the entrance to Boca Grande Pass; thence proceed northeasterly on a straight line to the easternmost edge of the concrete pier ruins (261 43.165° North Latitude, 821 15.778° West Longitude) at the lighthouse beach on the southwest Gulf side of Gasparilla Island; thence proceed easterly across Gasparilla Island to the Phosphate Dock, the point of beginning.

(2) During the months of April, May, and June each year, a maximum of three fishing lines may be deployed from a vessel at any one time in Boca Grande Pass during a tarpon fishing trip.

## Section IV Emergency Rules

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

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

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 530, MONEY BAGS  
 RULE NO.: 53ER04-10  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 530, "MONEY BAGS," 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:

53ER04-10 Instant Game Numbers 530, MONEY BAGS.

(1) Name of Game. Instant Game Number 530, "MONEY BAGS."

(2) Price. MONEY BAGS lottery tickets sell for \$2.00 per ticket.

(3) MONEY BAGS 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 MONEY BAGS 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 MONEY BAGS lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are four games on each MONEY BAGS lottery ticket.

(5) The play symbols and play symbol captions in Game 1 are as follows:

<b>TICKET</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
<small>TICKET</small>	<small>TWO</small>	<small>FIVE</small>	<small>TEN</small>
<b>\$100</b>	<b>\$10,000</b>	<b>\$\$</b>	
<small>ONE HUN</small>	<small>TEN THO</small>	<small>DOUBLE</small>	

(6) The play symbols and play symbol captions in Game 2 are as follows:

<b>TICKET</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
<small>TICKET</small>	<small>TWO</small>	<small>FIVE</small>	<small>TEN</small>
<b>\$100</b>	<b>\$10,000</b>	<b>\$\$</b>	
<small>ONE HUN</small>	<small>TEN THO</small>	<small>DOUBLE</small>	

(7) The play symbols and play symbol captions in Game 3 are as follows:

<b>TICKET</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$20.00</b>
<small>TICKET</small>	<small>TWO</small>	<small>FIVE</small>	<small>TWENTY</small>
<b>\$50.00</b>	<b>\$10,000</b>	<b>\$\$</b>	
<small>FIFTY</small>	<small>TEN THO</small>	<small>DOUBLE</small>	

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

<b>TICKET</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>
<small>TICKET</small>	<small>TWO</small>	<small>FOUR</small>	<small>FIVE</small>
<b>\$25.00</b>	<b>\$100</b>	<b>\$10,000</b>	<b>\$\$</b>
<small>THY FIV</small>	<small>ONE HUN</small>	<small>TEN THO</small>	<small>DOUBLE</small>

(9) The legends are as follows:

<small>GAME 1</small>	<small>GAME 2</small>	<small>GAME 3</small>	<small>GAME 4</small>
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(10) Determination of Prizewinners. The same play methodology applies to each of the four games and is as follows:

(a) A ticket having three like amounts in the play area of one game shall entitle the claimant to a prize of that amount. The prize amounts for Game 1 are: \$2.00, \$5.00, \$10.00, \$100, and \$10,000. The prize amounts for Game 2 are: \$2.00, \$5.00, \$10.00, \$100, and \$10,000. The prize amounts for Game 3 are: \$2.00, \$5.00, \$20.00, \$50.00, and \$10,000. The prize amounts for Game 4 are: \$2.00, \$4.00, \$5.00, \$25.00, \$100, and \$10,000. A ticket having three "TICKET" symbols in the play area of one game shall entitle the claimant 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 MONEY BAGS lottery ticket that 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 two like amounts and a "DOUBLE" symbol in the play area of one game shall entitle the claimant to a prize of double that amount.

(11) The estimated odds of winning, value, and number of prizes in Instant Game Number 530 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
G1: G2: G3: G4: TICKET	\$2	1 IN	1,008,000
G3: \$2	\$2 TICKET	10.00	268,800
G2: \$2 (\$\$)	\$2	37.50	201,600
G4: \$4	\$4	50.00	201,600
G3: \$5	\$4	50.00	403,200
G1: \$2 (\$\$) G2: \$2 + G4: \$2	\$5	25.00	67,200
G4: \$5 (\$\$)	\$8	150.00	134,400
G2: \$5 + G3: \$5	\$10	75.00	134,400
G1: \$5 + G2: \$5 + G3: \$5	\$10	75.00	33,600
G1: \$10 + G2: \$5	\$15	300.00	33,600
G1: \$5 + G2: \$5 + G3: \$5 + G4: \$5	\$15	300.00	16,800
G1: \$5 + G3: \$5 (\$\$) + G4: \$5	\$20	600.00	16,800
G3: \$20	\$20	300.00	33,600
G2: \$10 + G3: \$20 (\$\$)	\$20	300.00	33,600
G4: \$25 (\$\$)	\$50	553.85	18,200
G1: \$100 + G2: \$100 (\$\$) + G3: \$50	\$50	600.00	16,800
(\$\$) + G4: \$100	\$500	50,400.00	200
G1: G2: G3: G4: \$10,000	\$10,000	2,016,000.00	5

(12) The estimated overall odds of winning some prize in Instant Game Number 530 are 1 in 3.87. 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.

(13) For reorders of Instant Game Number 530, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(14) By purchasing a MONEY BAGS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(15) Payment of prizes for MONEY BAGS 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 2-13-04.

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

EFFECTIVE DATE: February 13, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 529,  
BIG BASS BUCKS

RULE NO.: 53ER04-11

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 529, “BIG BASS BUCKS,” 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:

53ER04-11 Instant Game Numbers 529, BIG BASS BUCKS.

(1) Name of Game. Instant Game Number 529, “BIG BASS BUCKS.”

(2) Price. BIG BASS BUCKS lottery tickets sell for \$1.00 per ticket.

(3) BIG BASS BUCKS 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 BIG BASS BUCKS 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 BIG BASS BUCKS 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>	<b>\$1,000</b>	
THY FIV	FIFTY	ONE HUN	FIVE HUN	ONE THO	



(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, \$500 and \$1,000. 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 BIG BASS BUCKS 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 an “WIN \$20” symbol in the play area shall entitle the claimant to a prize of \$20.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 529 are as follows:

GAME PLAY TICKET	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	15.00	672,000
\$2	\$2	25.00	403,200
\$4	\$4	150.00	67,200
\$5	\$5	37.50	268,800
\$10	\$10	150.00	67,200
\$20 (ANCHOR)	\$20	300.00	33,600
\$25	\$25	400.00	25,200
\$50	\$50	3,600.00	2,800
\$100	\$100	28,800.00	350
\$500	\$500	458,181.82	22
\$1,000	\$1,000	840,000.00	12

(7) The estimated overall odds of winning some prize in Instant Game Number 529 are 1 in 3.96. 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 529, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(10) Payment of prizes for BIG BASS BUCKS 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 2-13-04.

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

EFFECTIVE DATE: February 13, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 527, HIGH STAKES  
 RULE NO.: 53ER04-12  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 527, "HIGH STAKES," 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:

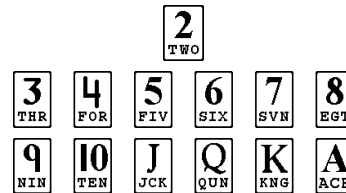
53ER04-12 Instant Game Numbers 527, HIGH STAKES.

(1) Name of Game. Instant Game Number 527, "HIGH STAKES."

(2) Price. HIGH STAKES lottery tickets sell for \$5.00 per ticket.

(3) HIGH STAKES 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 HIGH STAKES 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 HIGH STAKES 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 HANDS" play symbols and play symbol captions are as follows:



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



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



(7) The legends are as follows:

DEALER'S TOTAL	YOUR HANDS	HAND 1	HAND 2	HAND 3	HAND 4
		HAND 5	HAND 6		
	HAND 7	HAND 8	HAND 9	HAND 10	
HAND 11	HAND 12	HAND 13	HAND 14	HAND 15	+

(8) Determination of Prizewinners. There are fifteen hands on a HIGH STAKES lottery ticket. Players may win in more than one hand per ticket. A ticket having two cards within a hand, the sum of which is greater than the number in the "DEALER'S TOTAL" play area, shall entitle the claimant to the corresponding prize shown for that hand. A ticket having two cards within a hand, the sum of which is 21, shall entitle the claimant to double the corresponding prize shown for that hand. The prizes are: \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$250, \$500, \$1,000, \$5,000, \$10,000, and \$100,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 527 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL
\$1 x 5	\$5	30.00	168,000
(\$1 x 3) + \$2	\$5	30.00	168,000
\$1 + (\$2 x 2)	\$5	30.00	168,000
\$5	\$5	30.00	168,000
\$1 x 10	\$10	30.00	168,000
\$5 (D)	\$10	60.00	84,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	84,000
\$1 + \$2 (D) + \$5	\$10	120.00	42,000
\$10	\$10	120.00	42,000
\$5 + \$5 (D)	\$15	60.00	84,000
\$1 x 15	\$15	60.00	84,000
\$15	\$15	60.00	84,000
\$5 x 5	\$25	300.00	16,800
(\$5 x 3) + \$10	\$25	300.00	16,800
\$5 + \$10 (D)	\$25	240.00	21,000
(\$2 x 5) + \$5 + \$10	\$25	240.00	21,000
(\$1 x 5) + (\$2 x 10)	\$25	300.00	16,800
\$25	\$25	600.00	8,400
\$25 (D)	\$50	119.88	42,042
\$5 x 15	\$75	20,000.00	252
\$5 + (\$10 x 7)	\$75	20,000.00	252
(\$5 x 5) + \$25 (D)	\$75	20,000.00	252
(\$10 x 5) + \$25	\$75	20,000.00	252
\$75	\$75	20,000.00	252
\$10 + (\$15 x 6)	\$100	2,400.00	2,100
(\$5 x 10) + (\$10 x 5)	\$100	2,400.00	2,100
\$50 (D)	\$100	2,400.00	2,100
(\$25 x 2) + \$50	\$100	2,400.00	2,100
\$100	\$100	4,285.71	1,176
(\$25 x 10) + (\$50 x 5)	\$500	252,000.00	20
\$250 (D)	\$500	252,000.00	20
\$500	\$500	336,000.00	15
\$100 x 10	\$1,000	420,000.00	12
\$500 (D)	\$1,000	504,000.00	10
(\$50 x 10) + (\$100 x 5)	\$1,000	504,000.00	10
\$500 x 2	\$1,000	504,000.00	10
\$1,000	\$1,000	504,000.00	10
(\$500 x 10) + (\$1,000 x 5)	\$10,000	1,260,000.00	4
\$5,000 (D)	\$10,000	1,680,000.00	3
\$10,000	\$10,000	1,680,000.00	3
\$100,000	\$100,000	2,520,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 527 are 1 in 3.36. 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 527, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for HIGH STAKES 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 2-3-04.

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

EFFECTIVE DATE: February 3, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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

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

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

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on February 5, 2004, South Florida Water Management District (District) received a petition for waiver from the Florida Department of Transportation, Application No. 04-0205-3M, for utilization of Works or Lands of the District known as the C-6 Canal,

Miami-Dade County, for three traffic signal mast poles/arms within the north bank of the C-6 canal along Okeechobee Road in conjunction with the Okeechobee Roadway Improvements Project. The petition seeks relief from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above ground structures within 40 feet of the top of the canal bank within Works and Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail: kruff@sfwmd.gov.

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

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-026 DAO-ROW), on February 11, 2004, to Florida Department of Transportation. The petition for waiver was received by the SFWMD on September 5, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 38, on September 19, 2003. No public comment was received.

This Order provides a waiver for the proposed widening/improvement of existing Okeechobee Road (S.R. 25), lying north of and adjacent to C-6 Canal, beginning just east of the Palmetto Expressway (S.R. 826) to just west of the Hialeah Expressway (S.R. 934), removal of ten outfall structures and a small section of an existing seawall, the proposed installation of 3-36" outfalls and the placement of piles associated with the construction of bridges as part of a future project, along the northern edge of the C-6 Canal; S11/T53S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(5) and (6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and

maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent FDOT from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-027 DAO-ROW), on February 11, 2004, to James W. Green. The petition for waiver was received by the SFWMD on November 10, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 48, on November 28, 2003. No public comment was received.

This Order provides a waiver for the proposed canal bank reshaping and rip-rap revetment within the south right of way of the C-43 Canal, located adjacent to Lee Avenue; S22/T43S/R26E, Lee County. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs that as a condition for issuance of a right of way occupancy permit, an applicant must own or lease the land adjacent to or served by the portion of the works or lands of the District involved. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent James W. Green from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-028 DAO-ROW), on February 11, 2004, to Steven A. Smilack. The petition for waiver was received by the SFWMD on November 20, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 49, on December 5, 2003. No public comment was received.

This Order provides a waiver for a proposed cross fence with gate within the north right of way of the C-15 Canal, approximately 800' downstream of US Highway One;



S33/T46S/R43E, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Steven A. Smilack from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

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#### 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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#### DEPARTMENT OF HEALTH

The Department of Health hereby gives notice that it has received a petition, filed on February 11, 2004, from Purvi B. Patel seeking a variance of subsection 64B21-500.005(2), Florida Administrative Code, with respect to the 1 1/2 contact hours per week of face-to-face interactive supervision requirement for licensure. Comments on this petition should be filed with the office of School Psychology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Department of Health, School Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399.

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### Section VI

## Notices of Meetings, Workshops and Public Hearings

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#### DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces the 2004-2005 Historical Museums Grants-in-Aid Grant Hearing, to which all persons are invited. This meeting is subject to cancellation, please call to confirm the meeting date and time.

**DATES AND TIME:** March 22-23, 2004, 9:00 a.m. – conclusion

**PLACE:** Turlington Building, 325 West Gaines Street, Room 1703/1707, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** 2004-2005 Historical Museums Grants-in-Aid Grant Hearing.

For more information, please contact: David Gregory, Grants Manager, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470.

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 a verbatim recording of the proceedings in order to provide a record for judicial review.

To request special aids or services, contact Division staff 72 hours prior to the above stated schedule, (850)245-6470 or Text Telephone 711.

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#### DEPARTMENT OF LEGAL AFFAIRS

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

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

**PLACE:** Call (850)414-3300 for information on participation  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss general issues.

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

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

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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 persons are invited.

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

**PLACE:** Call (850)414-3300 for information on participation  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss general issues.

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

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

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

DATE AND TIME: Wednesday, March 10, 2004, 10:00 a.m.  
PLACE: Call (850)414-3300 for information on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

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

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

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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 persons are invited.

DATE AND TIME: March 10, 2004, 3:00 p.m.  
PLACE: Call (850)414-3300 for information on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

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

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

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

DATE AND TIME: March 11, 2004, 10:00 a.m.  
PLACE: Call (850)414-3300 for information on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

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

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

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: March 16, 2004, 4:00 p.m. – 5:00 p.m.  
PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss current and proposed Council programs and budget issues.

Additional information may be obtained by writing: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

Pursuant to 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 in advance by contacting Ms. O'Neil at the number above.

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

DATE AND TIME: Thursday, March 11, 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.

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The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Etoniah Creek State Forest Management Plan Advisory Group announce two public meetings and a public hearing to which all persons are invited.

Public Meeting – Etoniah Creek State Forest Management Plan Advisory Group

DATE AND TIME: Wednesday, March 17, 2004, 6:00 p.m.  
PLACE: Putnam County Agriculture Center Auditorium, 111 Yelvington Road, East, Palatka, FL 32131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Etoniah Creek State Forest Management Plan Advisory Group to prepare for a public hearing the evening of March 17, 2004 and provide recommendations to the DOF to help in preparation of a management plan for the Etoniah Creek State Forest.

Public Hearing

DATE AND TIME: Wednesday, March 17, 2004, 7:00 p.m.  
 PLACE: Putnam County Agriculture Center Auditorium, 111 Yelvington Road, East, Palatka, FL 32131  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit public comments on management of the Etoniah Creek State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's Etoniah Creek State Forest, 390 Holloway Road, Florahome, FL 32140, to the attention of Scott Crosby and should be mailed so as to arrive at the office by the date of the public hearing.

Public Meeting – Etoniah Creek State Forest Management Plan Advisory Group

DATE AND TIME: Thursday, March 18, 2004, 9:00 a.m.  
 PLACE: Putnam County Agriculture Center Auditorium, 111 Yelvington Road, East, Palatka, FL 32131  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Etoniah Creek State Forest Management Plan Advisory Group to review comments from the public hearing of March 17, 2004 and provide recommendations to the DOF to help in preparation of a management plan for the Etoniah Creek State Forest.

Copies of a working draft on the plan are available by contacting the Etoniah Creek State Forest in writing at the above address or contacting: Scott Crosby, (386)329-2552.

Special accommodations for persons with disabling condition should be requested in writing at least 48 hours in advance of these proceedings. Any request for special accommodations can be made by writing to the DOF's Etoniah Creek State Forest Office at the above listed address.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, should you decide to appeal any decision made as a result of, or take exception to any findings of fact with respect to any matter considered at the hearing and meeting referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is to be based.

The **Friends of Florida State Forests**, Inc. announces a Board of Directors Meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, March 23, 2004, 9:00 a.m.  
 PLACE: Florida Center for Wildfire and Forest Resources Mgt., US 41B, 11 miles N. of Brooksville, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Corporation.

Agenda is available from: Norm Heintz, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9957.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Florida Forestry Council which is open to all interested persons.

DATE AND TIME: Monday, April 5, 2004, 10:00 a.m.  
 PLACE: Doyle Conner Building, 3125 Conner Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on Division of Forestry programs. A copy of the agenda may be obtained by contacting: Michael C. Long, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4274.

**DEPARTMENT OF EDUCATION**

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows:

DATE AND TIME: March 11, 2004, 10:00 a.m. (EDT)  
 PLACE: Gardner Seminar Room  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

**DEPARTMENT OF TRANSPORTATION**

The **Department of Transportation**, District Five announces a public hearing to which all persons are invited.

DATE AND TIMES: Thursday, March 25, 2004, 5:00 p.m. – 6:30 p.m. – Project information; 6:30 p.m – Formal portion of the public hearing begins with a project presentation followed by a public testimony period  
 PLACE: Deltona City Hall, 2345 Providence Boulevard, Deltona, Florida 32725

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons an opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects, as well as the access management reclassifications, of Financial Project ID Numbers: 407355-1-22-01 & 407355-2-22-01, Federal Project ID Numbers: 7777-091-A & FL 62 045R, otherwise known as the SR 415 Project Development and Environment (PD&E) Study in Seminole and Volusia Counties, Florida. The project study limits are from SR 46 in Seminole County to SR 44 in Volusia County, a distance of approximately 18.4 miles. The project involves the widening of SR 415 from two to four lanes between SR 46 in Seminole County and Fort Smith Boulevard in Deltona, a distance of approximately 8.3 miles. The project also includes the evaluation of a parallel multi-use trail facility from Celery Avenue in Seminole County to SR 44 in Volusia County. In addition, the proposed changes to the access management classifications are from existing Access Class 4 to Access Class 5 from SR 46 to 0.2 miles north of Kove Boulevard and

from Shell Street to Acorn Lake Road. From 0.2 miles north of Kove Boulevard to Shell Street, the proposed change is from Access Class 4 to Access Class 6.

Anyone needing project or Public Hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write: Mr. David Dangel, Public Involvement Coordinator, Inwood Consulting Engineers, 870 Clark Street, Oviedo, Florida 32765 or Mr. Dangel, (407)977-8850, 1(866)268-0787, email: ddangel@inwoodinc.com.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the Public Hearing.

A copy of the agenda may be obtained by writing to Mr. Dangel at the above address.

The **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIME: March 23, 2004, 6:30 p.m.

PLACE: Altamonte Springs Council Chambers, 225 Newburyport Ave., Altamonte Springs, Florida 32701

**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 of Financial Project ID: 408409-1-97-01, otherwise known as the North Orange/South Seminole ITS Enhanced BRT Circulator (FlexBRT). The FlexBRT is a service that dynamically dispatches and routes transit vehicles to pick up and drop off passengers at designated stations according to user requests. The operation of the system would be supported by ITS including an AVL system, real-time communication with drivers, and an advanced fare payment and collection system. This project would include some targeted facility improvements such as roadway and intersection improvements and building FlexBRT stations.

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 (386)943-5733. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Robert E. Cone, P.E., Department of Transportation, District 5, 719 South Woodland Boulevard, Mail Station 2-543, DeLand, Florida 32720.

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

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

**STATE BOARD OF ADMINISTRATION**

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, March 11, 2004, 9:00 a.m. or soon thereafter

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

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

**SPECIAL ACCOMMODATION:** Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, March 11, 2004, 11:00 a.m. or soon thereafter

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308, (904)488-8514.

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

**SPECIAL ACCOMMODATION:** Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Foundation Board** announces a public meeting to which all interested parties are invited to attend.

**DATE AND TIME:** Thursday, March 11, 2004, 1:00 p.m. or soon thereafter

**PLACE:** 1801 Hermitage Blvd., The Hermitage Room, First Floor, Tallahassee, FL 32308

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Florida Prepaid College Foundation Board.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Plan, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, (850)922-6740.

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

**SPECIAL ACCOMMODATION:** Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)922-6740, no later than five (5) days prior to the meeting.

**FLORIDA PAROLE COMMISSION**

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

**DATE AND TIME:** Wednesday, April 28, 2004, 9:00 a.m.

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

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

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

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

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

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

**DATE AND TIME:** \*March 15, 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 March 16, 2004, in Room 140, immediately preceding or immediately following the Commission Conference.

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

**DATE AND TIME:** March 16, 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, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based. Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (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).

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a meeting to which all persons are invited.

DATES AND TIMES: March 9, 2004, 9:00 a.m. – 5:00 p.m.;  
March 10, 2004, 9:00 a.m. – 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Volunteer Florida Commissioners will be visiting with members of the Florida Congressional Delegation in Washington DC to update them on AmeriCorps programs and other volunteer initiatives in Florida.

Please contact Gwen Erwin, (850)921-5172, for an 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.

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The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Grants Oversight Council is pleased to announce a conference call to which all persons are invited.

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

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of AmeriCorps grant proposals to be submitted for competitive consideration to the Corporation for National and Community Service.

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.

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The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Advocacy and Recognition Council, is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Wednesday, March 17, 2004, 3:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Council strategies and goals.

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.

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The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Grants Oversight Council, is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Thursday, March 25, 2004, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of Disaster Mitigation Project grant proposals.

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.

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#### REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

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

PLACE: Highlands County Agriculture Extension Building, 4509 West George Boulevard, Sebring, Florida 33871

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

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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, March 10, 2004, 10:00 a.m.

PLACE: Okeechobee County Administration Annex, Large Conf. Rm., 458 Hwy. 98, North, Okeechobee, 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.

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The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 3, 2004, 2:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306.

The Regional Business Alliance is comprised of business and elected leaders from Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties, including members of the South Florida Regional Transportation Authority and South Florida Regional Planning Council.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

## REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority** (HART) announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

Public Hearing

DATE AND TIME: March 1, 2004, 8:30 a.m.

PLACE: HARTline, County Center, 601 E. Kennedy Boulevard, Planning Commission Board Room, 18th Floor, Tampa, FL

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled Board of Directors Meeting – 1. Call to order; 2. Approval of Minutes; 3. Introductions, Recognition and Awards; 4. Consumer Advisory Committee Report; 5. Public Comment on Action Items; 6. Consent Action Items; 7. Other Action Items; 8. Chairman's Report; 9. Reports from HART Representatives; 10. HART Committee Reports; 11. Other Board Member's Report; 12. Executive Director's Report; 13. Employee Comment; 14. General Public Comment; 15. Discussion and Presentations; 16. Monthly Information Reports; 17. Other Information Items; 18. Other Business.

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602-5829, (813)223-6831, Ext. 2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that 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.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Lauren Skiver, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

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## COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, March 11, 2004, 8:00 a.m.

PLACE: Burns Building Auditorium, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday, 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

**WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District** announces the following **PROJECTS AND LAND COMMITTEE MEETING(S) AND TOUR** which may be conducted by means of or in conjunction with communications technology. All persons are invited.

DATE AND TIME: Thursday, March 4, 2004, 6:00 p.m. – 7:00 p.m. (Projects and Land Committee public meeting forum); Friday, February 5, 2004, 8:00 a.m. – 10:00 a.m. (Projects and Land Committee business meeting followed by a land tour of Lake Apopka Projects)

PLACE: Courtes Desoto Room, Mission Inn Conference Center, 10400 Co. Rd 48, Howey in the Hills, FL 34737 (A tour of District land(s) at the Lake Apopka Flowway will follow the business meeting)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of Lake Apopka Project Overview; Business meeting to consider Committee agenda items.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Blake, Water Resources Dept., (386)312-2330.

NOTE: In the event of a declared emergency or emergency conditions, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

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.

**GOVERNING BOARD BUDGET PLANNING SESSION**

DATE AND TIME: Monday, March 8, 2004, 1:00 p.m.  
 PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning session for development of District budget for FY2004-2005 (schedule, guidelines, objectives, priorities, revenue projections, etc.).

**MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN**

DATE AND TIME: Tuesday, March 9, 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, March 9, 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, March 9, 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, March 9, 2004, 1:00 p.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.

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.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, March 10, 2004, 4:00 p.m.

PLACE: Sarasota Service Office, 6750 Fruitville Road, Sarasota, Florida

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).

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

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

PLACE: USDA-ARS-US Horticultural Research Laboratory, 2001 South Rock Road, Ft. Pierce, FL 34945

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC) on Upper East Coast Water Supply Planning Meeting Issues Workshop.

Information regarding the existing Upper East Coast Water Supply Plan is at <http://www.sfwmd.gov/org/wsd/wsp/uecwsp.htm>.

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.

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

DATE AND TIME: March 4, 2004, 8:30 a.m.

PLACE: SFWMD Headquarters, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/wrac/agenda.html>) 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: Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

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

DATE AND TIMES: March 9, 2004, 9:00 a.m. – 11:00 a.m. and 6:00 p.m. – 8:00 p.m.

PLACE: The Osceola County Commission Chambers, Suite 4700, 1 Courthouse Square, Kissimmee, FL 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public presentation regarding the Upper Kissimmee Basin Long Term Management Plan Project Charter and Goals and seek public comment.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Orlando Service Center, c/o Bill Graf, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

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

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

Those who want more information, please contact: Bill Graf, Orlando Service Center, Orlando Service Center, SFWMD, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (407)858-6100, Ext. 3837.

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

DATE AND TIME: Tuesday, March 9, 2004, 3:00 p.m. – completed

PLACE: Marriott Biscayne Hotel, 1633 North Bayshore Drive, Miami, FL 33132 (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: Governing Board Workshop/Meeting to discuss and consider District business including budget and strategic planning 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.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Tuesday, March 9, 2004, 3:00 p.m. – completed

PLACE: Miami Marriott Biscayne Bay, 1633 North Bayshore Drive, Miami, FL 33132 (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: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District et al, United States District Court, Southern District of Florida, Case No. 88-1886-Civ-Moreno*. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, D. MacLaughlin, S. Echemendia, M. Dorta, and Kirk Burns.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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.

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)682-6447.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Tuesday, March 9, 2004, 3:00 p.m. – completed

PLACE: Miami Marriott Biscayne Bay, 1633 North Bayshore Drive, Miami, FL 33132 (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: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in *Harry Pepper & Associates, Inc., and Harry Pepper & Associates Inc. for the use and benefit of Atlantic Environmental, Inc. v. South Florida Water Management District and Kimley-Horn and Associates, Inc., Circuit Court, 15th Judicial Circuit Court, Palm Beach County, Case No. CL00-4882AO*. The subject matter shall be confined to the pending litigation.

ATTENDEES: I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, R. Panse, K. Jacques-Adams and S. Echemendia.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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.

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)682-6447.

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

DATES AND TIME: March 10, 2004 and/or March 11, 2004, 8:50 a.m.

PLACE: Parrott Jungle Island, 1111 Parrott Jungle Trail, Miami, FL 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the Southern Corkscrew Regional Ecosystem Watershed project comprised of forty parcels referred to as SFWMD Tract Nos. 09-100-007, 09-100-011, 09-100-013, 09-100-014, 09-100-016, 09-100-017, 09-100-018, 09-100-021, 09-100-022, 09-100-024, 09-100-027, 09-100-034, 09-003-194, 09-003-198, 09-003-434, 09-003-511, 09-003-756, 09-003-773, 09-003-729, 09-003-779, 09-003-782, 09-003-783, 09-003-865, 09-003-875, 09-005-005, 09-005-013, 09-005-119, 09-005-022, 09-005-034, 09-005-053, 09-005-126, 09-005-132, 09-005-133, 09-005-141, 09-005-147, 09-005-149, 09-005-183, 09-005-230, 09-005-270 and 09-005-271 consisting of approximately 269 acres and lying in Sections 25, 26, 31, 32, 33, 34 and 35, Township 47 South, Range 26 East within Lee County, Florida.

Part of the C-43 Basin Storage Reservoir Project consisting of the exchange of two parcels referred to as SFWMD Tract No. GX-100-006 consisting of approximately 600 acres and GX-100-007 consisting of approximately 540 acres, lying in Sections 23, 24, 25, and 26, Township 43 South, Range 28 East within Hendry County, Florida.

Part of the Kissimmee River project comprised of sixteen parcels referred to as SFWMD Tract Nos. 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-565, 19-103-566, 19-103-567, 19-103-665, 19-103-666, 19-103-667, 19-103-668, 19-103-669, 19-103-670, 19-103-671 and 19-103-672 consisting of approximately 15 acres and lying in Sections 21, 22 and 27, Township 36 South, Range 33 East within Okeechobee County, Florida.

Part of the Paradise Run project comprised of two parcels referred to as SFWMD Tract Nos. 39-100-003 and 39-100-004, consisting of approximately 52 acres and lying in Section 19, Township 38 South, Range 35 East and Section 24, Township 38 South, Range 34 East within Glades County, Florida.

Part of the Water Conservation Area project comprised of nine parcels referred to as SFWMD Tract Nos. 27-100-050, 27-100-051, 27-100-054, 27-100-058, 27-100-059, 27-100-060, 27-100-061, 27-100-062 and 27-100-063 consisting of approximately 940 acres, and lying in Sections 01, 10, 21, 32 and 36, Townships 52 and 53 South, Ranges 35, 37 and 38 East in Miami-Dade and Broward Counties, Florida.

Part of the Avatar Properties Component Area of the Kissimmee River Pool "A" Project Area comprised of twenty-one parcels referred to as SFWMD Tract Nos. 19-100-003, 19-100-056, 19-100-074, 19-100-079, 19-100-089, 19-100-092, 19-100-093, 19-100-099, 19-100-109, 19-100-110, 19-100-111, 19-100-112, 19-100-113, 19-100-114, 19-100-115, 19-100-116, 19-100-117, 19-100-118, 19-100-119, 19-100-121 and 19-100-122 consisting of approximately 44 acres, and lying in Sections 07 and 12, Township 32 South, Ranges 31 and 32 East in Polk County, Florida.

Part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-102-140 consisting of approximately 300 acres, lying in Sections 9 and 10, Township 35 South, Range 32 East in Highlands County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract Nos. 18-200-005 and 18-200-007, consisting of a total of approximately 700 acres, all in Sections 28 through 32, Township 27 South, Range 30 East and in Osceola County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of one parcel referred to as SFWMD Tract No. 18-201-004, consisting of a total of approximately 18 acres, all in Section 1, Township 28 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of five parcels referred to as SFWMD Tract Nos. 18-011-002 through 18-011-006, consisting of a total of approximately 5 acres, all in Sections 24 and 25, Township 30 South, Range 30 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of ten parcels referred to as SFWMD Tract Nos. 18-001-052 through 18-001-060, 18-001-139 and 18-001-140 consisting of a total of approximately 50 acres, all in Section 3, Township 31 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-004-088, 18-004-089, 18-004-090 and 18-004-091, consisting of a total of approximately 905 acres, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two hundred and twenty-four parcels referred to as SFWMD Tract Nos. 18-500-001 through 18-500-566 and one hundred twelve parcels referred to as SFWMD Tract Nos. 18-600-001 through 18-600-178, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract No. 18-021-002 and 18-021-007, consisting of a total of approximately 17 acres, in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-029-001, 18-030-001, 18-116-002 and 18-116-004, consisting of a total of approximately 200 acres, all in Sections 1 and 12, Township 29 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-029-003, 18-030-003, 18-116-005 and 18-031-002, consisting of a total of approximately 360 acres, all in Sections 1 and 12, Township 29 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-101-065 and 19-101-066, consisting of a total of approximately 45 acres, all in Sections 12 and 13, Township 34 South, Range 31 East in Okeechobee County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-101-055 and 19-101-056, consisting of a total of approximately 220 acres, in Sections 12 and 13, Township 34 South, Range 31 East in Okeechobee County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-102-157 and 19-102-158, consisting of a total of approximately 600 acres, in Sections 25 and 36, Township 35 South, Range 31 East, and in Sections 30 and 31, Township 35 South, Range 32 East, all in Highlands County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-103-271 and 19-103-434, consisting of a total of approximately 1,900 acres, in Sections 01, 02, 03, 04 and 05, Township 36 South, Range 33 East, all in Okeechobee County, Florida.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/GovBoard/webpage/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)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Department Director, Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406, (561)682-6271.

**The South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, March 10, 2004, 9:00 a.m. – completed

PLACE: Parrot Jungle, 1111 Parrot Jungle Trail, Miami, Florida 33131 (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: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in United States of America v. South

Florida Water Management District et al, United States District Court, Southern District of Florida, Case No. 88-1886-Civ-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, D. MacLaughlin, S. Echemendia, M. Dorta, and Kirk Burns.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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.

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)682-6447.

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

DATE AND TIME: Wednesday, March 10, 2004, 9:00 a.m. – completed

PLACE: Parrott Jungle Island, 1111 Parrott Jungle Trail, Miami, FL 33132 (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.

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

DATE AND TIME: March 17, 2004, 9:00 a.m.

PLACE: Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting – Issues Workshop Meeting on Kissimmee Basin Regional Water Supply Plan.

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.

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 Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

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

DATE AND TIME: Wednesday, March 17, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Okeechobee County School Board, Freshman Campus Auditorium, 700 S. W. 2nd Avenue, Okeechobee, FL 34973

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Issues Workshop on The Kissimmee Basin Regional Water Supply Plan Update Information regarding the existing Kissimmee Basin Water Supply Plan can be found at [www.sfwmd.gov/org/wsd/wsp/](http://www.sfwmd.gov/org/wsd/wsp/).

A copy of the agenda may be obtained at the District Website seven (7) prior to the meeting at (<http://sfwmd.gov/gover/wrac/agenda.html>) or by writing: South Florida Water Management District, Mail Stop 6115, P.O. Box 24680, West Palm Beach, Florida 33416-4680.

Persons with disabilities who need assistance may contact Paula Moree, Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact: Chris Sweazy, (407)858-6100, Ext. 3822, [csweazy@sfwmd.gov](mailto:csweazy@sfwmd.gov), Kissimmee Service Center or Paula Moree, (561)682-6447,

[pmoree@sfwmd.gov](mailto:pmoree@sfwmd.gov), District Clerk’s Office, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

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

DATES AND TIME: March 18, 2004; April 15, 2004; May 20, 2004; June 17, 2004; July 15, 2004; August 19, 2004; September 16, 2004; October 21, 2004; November 18, 2004; December 16, 2004, 10:00 a.m.

NOTE: These dates are reserved for potential WRAC Issues Workshops. Call prior to meeting date to confirm that meeting will be held on that date (561)682-6517 or (561)682-6447.

PLACE: South Florida Water Management, B1 Auditorium 3301 Gun Club Road, West Palm Beach, FL 33406

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

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/wrac/agendas.html>) 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: Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 16, 2004, 1:00 p.m. – completion

PLACE: Homewood Suites Tallahassee, 2987 Apalachee Parkway, Tallahassee, FL 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson’s request.

The Florida **Commission for the Transportation Disadvantaged** announces Transportation Disadvantaged Legislative Day to which all persons are invited.

DATE AND TIME: Wednesday, March 17, 2004, 9:00 a.m. – completion

PLACE: The Capitol, Tallahassee, FL

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Jamie Longfellow, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

**LAND AND WATER ADJUDICATORY COMMISSION**

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

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed rule amendments to 42EE-1.002, Boundary. Proposed rule amendments to 42EE-1.002, which addresses boundary amendments to the Lakewood Ranch Community Development District 5, was published in the Florida Administrative Weekly on January 16, 2004, (Vol. 30, No. 3).

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

**DEPARTMENT OF ELDER AFFAIRS**

The Florida **Department of Elder Affairs** announces the Guardianship Task Force's fourth public meeting to which all persons are invited.

DATE AND TIME: March 2, 2004, 9:30 a.m. – 5:00 p.m.

PLACE: Adams Mark Hotel, 1500 Sand Lake Road, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Guardianship Task Force will be addressing issues of guardianship and incapacity as directed by Senate Bill 2568 (2003). The public meeting will also include time to receive comments from the public on guardianship and incapacity. Public testimony is scheduled to begin at 10:00 a.m. Written public testimony may be mailed to the Guardianship Task Force, Statewide Public Guardianship Office, 4040 Esplanade

Way, Suite 360-I, Tallahassee, Florida 32399-7000, Fax (850)414-2384, email: Sean Griffith, griffithsp@elderaffairs.org

Any person requiring special accommodations to participate in this meeting is asked to advise the Statewide Public Guardianship Office at least 48 hours before the meeting by contacting: Mr. Sean Griffith, (850)414-2381. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: March 15, 2004, 9:00 a.m. – 2:00 p.m.

PLACE: The Mary Brogan Museum of Art and Science, 350 South Duval Street, 1st Floor, Florida Lottery Classroom, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Advisory Council for the Office of Long-Term Care Policy to discuss the state of long-term care in Florida and methods for improvement.

To obtain a copy of the agenda, please contact: Jennifer Sindt, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2091, email: Sindtj@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: Jennifer Sindt, (850)414-2091. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The State of Florida, **Long Term-Care Ombudsman Program** announces the following scheduled conference calls to which all interested persons are invited to participate.

The Legislative Committee

DATE AND TIME: February 24, 2004, 9:00 a.m. – 10:00 a.m.

PLACE: The call number is (850)410-0968 or S/C# 210-0968

The Policy and Procedure Committee

DATE AND TIME: March 16, 2004, 9:00 a.m. – 10:00 a.m.

PLACE: The call number is (850)921-6455 or S/C# 291-6455

The Ways and Means Committee

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

PLACE: The call number is (850)921-6455 or S/C# 291-6455

The Ways and Means Committee

DATE AND TIME: April 6, 2004, 9:00 a.m. – 10:00 a.m.

PLACE: The call number is (850)921-6455 or S/C# 291-6455

The Executive Committee

DATE AND TIME: April 8, 2004, 9:00 a.m. – 10:00 a.m.

PLACE: The call number is (850)921-6455 or S/C# 291-6455

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

For additional information, please call the Office of the Long Term-Care Ombudsman at (850)414-2323.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** would like to announce a meeting of the Family Practice Physician Recruitment and Retention Advisory Committee to which all interested persons are invited to attend.

DATE AND TIME: Saturday, March 13, 2004, 8:30 a.m. – 10:00 a.m.

PLACE: Wyndham Westshore, Jackson Board Room, 2nd floor, Tampa, Florida (Anyone interested in participating by telephone may call (850)488-5776, Suncom 278-5776)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to review the data and preparation for the 2004 Annual Report for the Legislature. Authority for this Committee granted by s. 395.807, Florida Statutes.

For additional information, please contact: Dennis Halfhill, (850)921-5505, email: halfhild@fdhc.state.fl.us.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Correctional Privatization Commission** announces a conference call meeting to which all persons are invited.

DATE AND TIME: March 12, 2004, 9:00 a.m.

PLACE: Conference Call Number (850)922-2904, Suncom 292-2904

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the progress of the expansion of additional beds at the Lake City and South Bay Correctional Facilities.

Any person who decides to appeal a decision of the Correctional Privatization Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made Section 286.0105, Florida Statutes.

A copy of the Agenda may be obtained by writing: Correctional Privatization Commission, Office of the Executive Director, 4050 Esplanade Way/Pepper Building, Suite 680, Tallahassee, Florida 32399-0950.

Any person requiring accommodation at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service, 1(800)955-8771 (TDD).

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, March 15, 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.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Architecture and Interior Design** announces the following meeting, to be held by telephone conference call, which all persons are invited to attend.

DATE AND TIME: March 11, 2004, 10:00 a.m. (Eastern Standard Time), 1(877)651-3473 or (850)413-9245

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Landscape Architecture** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: March 12, 2004, 9:00 a.m. (Eastern Standard Time)

PLACE: Access Phone: (850)413-9245, Suncom 293-9245, Toll Free 1(877)651-3473.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**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 **Department of Health, Board of Acupuncture** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B1-7.0015, Florida Administrative Code, will be held at the time, date and place listed below:

DATE AND TIME: March 12, 2004, 8:30 a.m.  
 PLACE: Renaissance Orlando Hotel, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

A notice of rule development was published in Vol. 29, No. 31, of the August 1, 2003, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT WORKSHOP IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Acupuncture** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B1-8.006, Florida Administrative Code, will be held at the time, date and place listed below:

DATE AND TIME: March 12, 2004, 8:30 a.m.  
 PLACE: Renaissance Orlando Hotel, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

A notice of rule development was published in Vol. 29, No. 31, of the August 1, 2003, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT WORKSHOP IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**The Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board Meeting to be held via telephone conference call. All interested parties are invited to participate, the conference call is open to the public

DATE AND TIME: March 11, 2004, 9:30 a.m. – 11:30 a.m.  
 PLACE: Call (850)245-4461 to inquire about the call in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and the evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

The **Department of Health, Board of Dentistry** will hold committee and general business meetings to which all persons are invited:

DATES AND TIME: March 25-27, 2004, 8:00 a.m.  
 PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, FL 32301, (850)224-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to



the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Health, Division of Medical Quality Assurance** announces a New Board and Council Member Training.

DATE AND TIME: Wednesday, March 17, 2004, 10:00 a.m.

PLACE: 4075 Esplanade Way, Betty Easley Center, Room 180, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Training and Orientation for newly appointed board and council members.

A copy of the agenda may be obtained by writing: Lucy Gee, Chief, Bureau of Health Care Practitioner Regulation, 4052 Bald Cypress Way, Bin #C11, Tallahassee, Florida 32399-3261.

Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System, 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact: Helaine Robison, (850)245-4444, Ext 3124, at least a week in advance.

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The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, March 19, 2004

PLACE: Please contact Florida Board of Medicine, (850)245-4131, for the location and time

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: March 19, 2004, 2:00 p.m.

PLACE: Meet Me Number (850)922-7892, Suncom Number 292-7892

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.

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The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: March 26, 2004, 2:00 p.m.

PLACE: Meet Me Number (850)922-7892, Suncom Number 292-7892

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 322317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice), via Florida Relay Service.

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The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, March 12, 2004, 12:00 Noon or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants 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: Margaret Anglin, Program Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

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The Florida **Board of Medicine**, Credentials Committee, announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, March 20, 2004, 8:00 a.m. or soon thereafter

PLACE: The Embassy Suites Hotel, 1100 S. E. 17th St., Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

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 committee 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, he 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact, 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Nursing**, South, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: March 25, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee; Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: March 24, 2004, 6:30 p.m.

PLACE: Department of Health, Tallahassee, FL; Meet Me Number (850)921-5320

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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The **Board of Optometry**, TOPA Committee will hold a duly noticed telephone conference call, to which all persons are invited to attend.

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

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, FL, Meet Me Number (850)488-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

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The **Department of Health, Board of Psychology** announces a meeting to which all persons are invited.

DATES AND TIMES: April 16-17, 2004, 8:00 a.m. or soon thereafter – Credentials Committee meeting; 10:00 a.m. or soon thereafter – General Board meeting

PLACE: Doubletree Guest Suites, 3050 N. Rocky Point Dr., West, Tampa, FL, (813)888-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings, General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office,

(850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Department of Health, Board of Psychology** announces a meeting to which all persons are invited.

DATES AND TIMES: July 16-17, 2004, 8:00 a.m. or soon thereafter – Credentials Committee meeting; 10:00 a.m. or soon thereafter – General Board meeting.

PLACE: Sirata Beach Resort, 5300 Gulf Blvd., St. Petersburg Beach, FL, (727)363-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings, General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Graduate Medical Education Committee** announces the following telephone conference call to which all persons are invited:

DATE AND TIME: March 1, 2004, 4:00 p.m. – 5:00 p.m. (EST)

PLACE: Call 1(800)647-7427 or (850)921-2591

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee.

A copy of the agenda may be obtained by writing: Winona Dallis, Office of Community Health Resources, 4052 Bald Cypress Way, Bin C15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3504.

Any person requiring a special accommodation during this call because of a disability or physical impairment should contact the Office of Community Health Resources, (850)245-4440, Ext. 3504, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Office of Community Health Resources using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, District 12, Community Alliance Revenue Maximization Taskforce announces a public meeting to which all persons are invited.

DATE AND TIME: March 8, 2004, 1:30 p.m.

PLACE: United Way, 3747 W. International Speedway Blvd., Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (386)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY, 1(800)955-8771.

The **Department of Children and Family Services**, District 12, Community Alliance announces the following public meetings to which all persons are invited.

DATES AND TIME: March 10, 2004; April 14, 2004; May 12, 2003; June 9, 2004, 1:30 p.m.

PLACE: Department of Children and Family Services, 210 North Palmetto Avenue, Conference Room 148, Daytona Beach, Florida

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting.

If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY, 1(800)955-8771.

The **Department of Children and Family Services**, Substance Abuse and Mental Health Program Office (SA/MH), District 3 announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 5, 2004, 1:30 p.m.

PLACE: Tacachale State Complex, 16th N. E. Avenue, Building 3, DA Conference Room, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SA/MH committee will discuss the application packets received from agencies seeking one methadone treatment license for District 3. The committee will discuss their scoring and rank ordering of the applications and will then recommend to the State of Florida which application will receive the license. Final notification of the recipient award will be not later than March 9, 2004.

Directions may be obtained at the guard shack at the Tacachale entrance off 16th N. E. Avenue, Gainesville, Florida.

For further information contact: Bill St. Amour, (352)955-5040 or Cynthia Tyson, (352)955-5052, Fax (352)955-5083.

The Florida **Department of Children and Family Services**, District 13 announces a meeting for public hearing regarding the application for designation as a Baker Act Receiving Facility and Crisis Stabilization Unit for adults and children at The Harbor Behavioral Center, to which all persons are invited.

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

PLACE: Hernando County Government Center, Commissioner's Chambers, 20 North Main Street, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation, complaints, and comments regarding the application for designation by The Harbor Behavioral Center, Brooksville, FL.

Written comments may be sent in advance to: Ronald Graham, 1601 West Gulf Atlantic Highway, Wildwood, FL 34785.

Person needing special accommodations to participate in this proceeding should contact the department no later than March 5, 2004 by calling (352)330-2177, Ext 6273.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Friday, March 12, 2004, 2:00 p.m.

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Proposals # 2004/01 for Auditing services for the Soldiers to Scholars Program.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

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#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The meeting of the Florida **Fish and Wildlife Conservation Commission** to discuss 2004 legislative and budget issues, notice of which was published in the February 20, 2004 issue of the Florida Administrative Weekly, will be held:

PLACE: 2nd Floor Auditorium, Bryant Building, 620 S. Meridian Street, Tallahassee, Florida

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The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning blue crabs, to which all interested persons are invited:

DATE AND TIME: March 9, 2004, 6:00 p.m. – 9:00 p.m.

PLACE: Palm Beach City Government Center, Jane Thompson Memorial Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, FL 33401

DATE AND TIME: March 10, 2004, 6:00 p.m. – 9:00 p.m.

PLACE: Best Western Space Shuttle Inn, 3455 Chaney Hwy, SR50, Titusville, FL 32780

DATE AND TIME: March 11, 2004, 6:00 p.m. – 9:00 p.m.

PLACE: Board of County Commissioners Main Meeting Room, Administration Building, 4th Floor, 477 Houston Street, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a series of workshops to gather public testimony regarding recommendations by the Blue Crab Advisory Board for effort

management in the commercial blue crab fishery. These recommendations include: the development of an effort management program; developing qualifying criteria; establishing a maximum number of traps per endorsement; requiring trap tags; separating the peeler fishery from the hard crab fishery; transferability of endorsements; establishing regional short-term closures for trap clean-up activities; and, developing certain gear modifications.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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#### **FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces its quarterly GRANTS meeting to which all persons are invited.

DATE AND TIME: Thursday, March 4, 2004, 11:00 a.m.

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309

Please make note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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#### **FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meeting:

MEETING: Planning Committee Meeting

DATE AND TIME: Monday, March 15, 2004, 12:00 Noon – 2:00 p.m. (EST)

PLACE: Wingate Inn, 2516 W. Lake Shore Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

**COMMITTEE AND TASK FORCE MEETINGS:** Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

#### **CRIMINAL JUSTICE PROFESSIONALISM PROGRAM**

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

**DATE AND TIME:** March 16, 2004, 1:00 p.m. – Open

**PLACE:** Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling: Brenda S. Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, Post Office Box 1489, Tallahassee, Florida 32302.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

## **Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements**

### **DEPARTMENT OF REVENUE**

NOTICE IS HEREBY GIVEN that the Florida Department of Revenue has received a Petition for Declaratory Statement from Dunedin Country Club.

Petitioner, Dunedin Country Club (“Club”) is a not for profit entity. It owns land, a clubhouse building, and other amenities. The Club leases a golf course from the City of Dunedin (“Dunedin”) on a long-term basis. The Club is a non-equity membership entity operated on a semi-private basis. Members of the Club are allowed to use the facilities in exchange for the payment of monthly dues and the related charges. Residents of Dunedin may use the golf course on a daily basis. The members are not charged green fees, but the residents pay a green fee for an arrangement similar to a daily membership. The members of the Club do not pay for an equity ownership; they pay an initiation fee and monthly dues. If a member resigns, they are not due any money. There is no provision regarding the payment of any amount to any member upon termination of the Club. The Board of Directors (“Board”) of the Club has approached the membership about making certain capital improvements such as resurfacing the cart paths, rebuilding the greens, and installing a new irrigation system. The Board intends to assess each member \$12 per month in order to make such improvements.

Petitioner requests that the Department of Revenue determine whether the \$12 per month payments qualify as “capital contributions or additional paid in capital” or “capital assessments” pursuant to subparagraph 12A-1.005(4)(b)2., F.A.C., thereby exempting the payments from the tax imposed under Section 212.04, F.S.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Judy Langston, Agency Clerk, Office of General Counsel, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)488-0712.

### **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 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, has issued a declaratory statement In Re: Petition for Declaratory Statement, Leonard Leopold, Unit Owner, Waterview, A Condominium. Docket Number 2003066719 (June 2003).

The division declared that the Association's assignment of parking spaces in accordance with the terms of the declaration of condominium is consistent with Section 718.106(2)(b), Florida Statutes.

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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, Alfred J. Venclik and Mary A. Venclik, Unit Owners, Schooner Bay Condominiums of North Ft. Myers, Inc. Docket Number 2003085504.

It is ORDERED that the limited proxy, which provided unit owners the option of partially funding reserves or opposing funding of reserves, did not comply with Sections 718.112(2)(b)2. and (f)2., Florida Statutes, and Florida Administrative Code, subsection 61B-22.005(6), which require a board that has decided not to fully fund reserves, to provide unit owners with the option of voting in person or by proxy at a meeting to waive or reduce the funding of reserves.

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Notice is hereby given that the Department of Business and Professional Regulation, Division of Land Sales, Condominiums and Mobile Homes has issued a Declaratory Statement in response to a request received from Garden Lakes Courtyard Association, Inc, Richard A. Ulrich, Attorney, Petitioner, Docket Number 2003078584 on September 16, 2003.

It is declared that changing the type of roof shingles used on a condominium building is a material alteration, which may be made by a 75% unit owner vote under the declaration pursuant to Section 718.113(2)(a), Florida Statutes, with the common expenses being assessed against all unit owners in their proportionate share pursuant to Sections 718.115 and 718.116(9)(a), Florida Statutes.

A copy of the Declaratory Statement, Docket Number 2003078584, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 N. Monroe Street, Tallahassee, Florida 32399-2217.

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NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued a declaratory statement in response to a petition from Calder Race Course, Inc. and Tropical Park, Inc., Petitioners, in DBPR Case No. DS 2003-031. The Petition listed Section 550.5251(4), Florida Statutes, as the statutory provision upon which a declaratory statement was sought. The declaratory statement finds the amendments to Section 550.5251(4), Florida Statutes, contained in Chapter 2003-295, Laws of Florida, do not prohibit the Petitioners from continuing to receive and rebroadcast simulcast races on days within their authorized meet on which live racing is not conducted.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

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**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 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:**

Florida Health Care Association, Inc., a Florida Corporation not for Profit and Florida Association of Homes for the Aging, a Florida Corporation not for Profit vs. Agency for Health Care Administration; Case No.: 04-0386RP; Rule No.: 59G-6.010

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Florida Association of Rehabilitative Facilities, Inc. vs. Agency for Health Care Administration; Case No.: 04-0387RP; Rule No.: 59G-6.045

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Association for Retarded Citizens of Florida, Inc. vs. Department of Children and Family Services and Agency for Health Care Administration; Case No.: 04-0258RP; Rule No.: 59G-8.200

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Florida Dental Association, Inc. vs. Department of Health; Case No.: 04-0284RP; Rule Nos.: 64B-5.001, 64B-5.002

Orange County vs. St. Johns River Water Management District; Case No.: 04-0411RU

Save Our Beaches, Inc. vs. Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; Case No.: 04-0329RU

Association for Retarded Citizens of Florida, Inc. vs. Department of Children and Family Services and Agency for Health Care Administration; Case No.: 04-0259RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Sheraton Bal Harbour Association, LTD. vs. Department of Revenue; Case No.: 03-2441RX; Rule No.: 12B-6.001(1)(c)3.b.; Dismissed

Florida Outdoor Advertising Association, Inc., Clear Channel Outdoor, Inc., Koala Outdoor, The Lamar Company, L.L.C. and Viacom Outdoor, Inc. d/b/a National Advertising Company vs. Department of Transportation; Case No.: 03-3682RP; Rule No.: 14-10.0052; Denied

Helen Evans vs. Department of Business and Professional Regulation, Board of Professional Engineers; Case No.: 03-4035RP; Rule No.: 61G15-21; Dismissed

Christopher Nathaniel Lovett and Harold D. Register, Jr. vs. Department of Business and Professional Regulation, Board of Professional Engineers; Case No.: 03-4013RP; Rule No.: 61G15-21.0004(2); Dismissed

**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**

**Public Notice**

The Seminole County Coalition for School Readiness, Inc. is soliciting applications for the following service areas for the period of July 1, 2004 through June 30, 2005 with two one-year options to renew. This is an initial offering, though the Coalition reserves the right to withdraw any or all of following:

Service Area #1. Childcare Resource and Referral; Eligibility Determination and Enrollment; Provider Agreement Development, Contracting, and Payment Processing; and Local Match Generation

Service Area #2. School Readiness Provider Program Evaluations; Technical Assistance and Professional Development Support; Program Quality Enhancement Support; and Child Performance Improvement Services

Service Area #3. Community Collaboration, Employer Support, and Resource Diversification

Service Area #4. School Readiness Program Evaluation

An Applicant's Conference will be held March 5, 2004, 2004 beginning 9:00 a.m. at the Seminole County Public School Lake Mary Annex, 450 Technology Park, Lake Mary, FL 32746. A Notice of Intent to Apply is due not later than 12:00 NOON on March 12, 2004. Applications must be received at the Coalition office not later than 12:00 Noon on March 23, 2004.

Interested parties may request an electronic copy of the procurement instructions by contacting: Jackie Dean, (407)871-1101 on or after 12:00 Noon, February 23, 2004.



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

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

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

### **DEPARTMENT OF HEALTH**

#### **NOTICE TO PROFESSIONAL CONSULTANTS PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURE – ENGINEERING CONTINUING CONTRACT**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to Mr. Jack Durre', Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Ext. 3167

PROJECT NUMBER: TBA

PROJECT NAME: Architectural/Engineering Continuing Contract, South Florida Catchment Area

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$1,000,000. Depending on development of projects and funding the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite County Health Department Facilities, Support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$50,000). Service area shall be the South Florida Catchment Area and other locations as determined to be in the best interests of the

Department of Health. The South Florida Catchment area shall include the following counties: Martin, Palm Beach, Broward, Dade, Collier and Monroe. For selection Orlando will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health.

RESPONSE DUE DATE: By 4:00 p.m., March 26, 2004, Local Time

INSTRUCTIONS: Submit three (3) bound copies of the following:

1. Letter of interest.
2. A modified copy of Department of Management Services Professional Qualifications Supplement [October 1997 Edition of the Professional Qualifications Supplement (PQS)]. A copy can be obtained from the Department of Health by calling (850)245-4444, Ext. 3168.
3. A copy of the firm's Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.
  - ♦ In Article 8, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.
7. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Recertification or Certification letter.
8. A stamped self-addressed envelope if you desire notice of selection results.

\* Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

NOTICE TO PROFESSIONAL CONSULTANTS  
 PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
 SERVICES FOR  
 ARCHITECTURE – ENGINEERING  
 CONTINUING CONTRACT

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to Mr. John Hayes, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Ext. 3165

PROJECT NUMBER: TBA

PROJECT NAME: Architectural/Engineering Continuing Contract, South West Florida Catchment Area

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$1,000,000. Depending on development of projects and funding the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite County Health Department Facilities, Support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$50,000). Service Area shall be the Southwest Florida Catchment Area and other locations determined to be in the best interests of the Department of Health. The South Florida West Catchment area shall include the following counties: Pasco, Hillsborough, Pinellas, Polk, Manatee, Hardee, Sarasota, DeSoto, Highlands, Charlotte, Glades, Lee and Hendry. For selection Tampa will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health.

RESPONSE DUE DATE: By 4:00 p.m., March 26, 2004, Local Time

INSTRUCTIONS: Submit three (3) bound copies of the following:

1. Letter of interest.
  2. A modified copy of Department of Management Services Professional Qualifications Supplement [October 1997 Edition of the Professional Qualifications Supplement (PQS)]. A copy can be obtained from the Department of Health by calling (850)245-4444, Ext. 3168.
  3. A copy of the firm's Florida Professional License renewal. (Proper registration at the time of application is required.)
  4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
  5. Completed Standard Form 254.
  6. Completed Standard Form 255.
    - ♦ In Article 8, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.
  7. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Recertification or Certification letter.
  8. A stamped self-addressed envelope if you desire notice of selection results.
- \* Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Proposals

2004/02 for Feasibility Study Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Feasibility Study Services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, March 19, 2004, to the attention of Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or information, please contact: Robin Grantham, (850)488-4197, e-mail: robin.grantham@floridahousing.org.

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/ViewPage.aspx?page=77&p1=1>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**HILLSBOROUGH COUNTY AVIATION AUTHORITY**

NOTICE TO GEOTECHNICAL ENGINEERING AND MATERIALS TESTING FIRMS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, letters of interest from geotechnical/engineering and materials testing firms or individuals desiring to render professional services for the following project:

CONTINUING GEOTECHNICAL ENGINEERING AND MATERIALS TESTING SERVICES

Under this agreement the firm may be tasked to perform geotechnical engineering and materials testing services for specific projects selected by the Authority and provide technical services to supplement the Authority staff. The firm must have the accreditation/certifications required by the Federal Aviation Administration and Florida Department of Transportation and have the facilities and qualified personnel to provide geotechnical engineering and materials testing. A more detailed scope of services will be included in the formal request for proposals.

Qualified firms desiring consideration to provide these services should give written notification in the form of a letter of interest to: Dan Noettl, Manager, Planning and Development, Hillsborough County Aviation Authority, Post Office Box 22287, Tampa, Florida 33622.

A mandatory pre-proposal conference will be held in the Authority board room, located on the third floor, blue side, on Thursday, April 1, 2004 at 10:00 a.m. The letters of interest must be received at or before 5:00 p.m., local time, Tuesday, March 9, 2004.

For additional information go to the Authority's website: [www.tampaairport.com](http://www.tampaairport.com); Contracts and Business Information, RFP/RFQ/RFI Information on or after Thursday, March 18, 2004.

By: /s/ Louis E. Miller

Louis E. Miller, Executive Director

**CITY OF OCALA**

City of Ocala is accepting proposals for:

RFP #175 – Community Transportation Coordinator (CTC)

Proposals are due on 2:00 p.m., Monday, March 15, 2004 at the City of Ocala Purchasing Department. Request for qualification packages may be obtained from City of Ocala Purchasing Department, (352)351-6700, via email: [ddixon@ocalafl.org](mailto:ddixon@ocalafl.org), via Internet from [www.ocalafl.org/purchasing/](http://www.ocalafl.org/purchasing/) or Demandstar.

A Pre-Proposal conference will be hold on 2:00 p.m., Monday, March 1, 2004 at the City of Ocala Purchasing Department 2100 N. E. 30th Avenue, Ocala, Florida.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

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: Florida Energy Office, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #19, Tallahassee, Florida 32399-3000.

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## DEPARTMENT OF LAW ENFORCEMENT

### Notice of Application for Federal Funds

The State of Florida, Department of Law Enforcement, will be submitting an application to the Bureau of Justice Assistance, United States Department of Justice, for \$25,063,953, in Federal Fiscal Year 2004 funds made available under the Anti-Drug Abuse Act of 1988.

A copy of the application will be available for review and comment by the public at: Department of Law Enforcement, Business Support Program, Office of Criminal Justice Grants, Tallahassee, Florida 32308.

Interested parties should contact the Office of Criminal Justice Grants, (850)410-8700, to obtain a copy of the application for review.

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## 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:

Pennington Heliport, a private airport, in Walton County, at Latitude 30° 22' 40" and Longitude 86° 10' 50", to be owned and operated by Mr. Wayne Weir, 37 Sheriff Drive, Santa Rosa Beach, FL 32459.

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](mailto: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, 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.

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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.”

**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: Polk District: 6  
 ID #: 0300021 Decision: A Issue Date: 2/4/2004  
 Facility/Project: Heart of Florida Regional Medical Center  
 Applicant: Haines City HMA, Inc.  
 Project Description: Add 12 acute care beds to the existing 115 acute care beds  
 Proposed Project Cost: \$0

County: Dade District: 11  
 ID #: 0300022 Decision: A Issue Date: 2/5/2004  
 Facility/Project: Pan American Hospital Corporation  
 Applicant: Pan American Hospital  
 Project Description: Add 15 acute care beds to the existing 146 acute care beds  
 Proposed Project Cost: \$1,747,328

County: Dade District: 11  
 ID #: 0300023 Decision: A Issue Date: 2/5/2004  
 Facility/Project: Mercy Hospital  
 Applicant: Mercy Hospital, Inc.  
 Project Description: Delicense 29 acute care beds  
 Proposed Project Cost: \$0

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

On February 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 of Marilee A. Robinson, D.H., license number DH 10103. This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 12, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Carola M. Vargas-Leon, M.D., license number ME 29248. This Emergency Restriction Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

**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., March 19, 2004):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institutions to be Acquired: Premier Community Bank of Southwest Florida, Fort Myers, Florida, Premier Community Bank of South Florida, Fort Lauderdale, Florida, Premier Community Bank, Venice, Florida, Premier Community Bank of Florida, Largo, Florida

Proposed Purchaser: The Colonial BancGroup, Inc. Received: February 16, 2004

**APPLICATION FOR A  
NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: County Community Bank of South Florida, Inc., 801 N. E. 167th Street, 1st Floor, North Miami Beach, Florida 33162

Correspondent: Roger M. Gordon, 14020 North Miami Avenue, North Miami, Florida 33168

Received: February 16, 2004

**REQUEST FOR CORPORATE NAME**

**APPROVAL BY A NON-FINANCIAL INSTITUTION**

Notice is hereby given that the Office of Financial Regulation has received the following request for corporate name approval by a non-financial institution. Comments may be submitted to the Deputy Director, Office of Financial Regulation-Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record. Any comments submitted must be received by the Office within twenty-one (21) days from publication of this notice (by 5:00 p.m., March 19, 2004):

Applicant: Stephen M. Beyer, Attorney at Law, 2201 Corporate Blvd., N. W., Suite 103, Boca Raton, Florida 33431

Proposed Name: "Florida Banker's Title Company"

Received: February 5, 2004

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at [http://www.dbf.state.fl.us/banking/cu\\_expansion.html](http://www.dbf.state.fl.us/banking/cu_expansion.html).

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Insight Financial Credit Union, Post Office Box 4900, Orlando, Florida 32802-4900

Expansion Includes: Geographic

Received: February 16, 2004

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN February 9, 2004  
and February 13, 2004**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**PUBLIC SERVICE COMMISSION**

25-30.445	2/10/04	3/1/04	29/45	30/3
25-30.446	2/10/04	3/1/04	29/45	

**DEPARTMENT OF CORRECTIONS**

33-601.602	2/11/04	3/2/04	30/2	
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**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid Program Office**

59G-4.197	2/10/04	3/1/04	29/48	
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**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

60L-39.003	2/12/04	3/5/04	29/47	
60L-39.005	2/12/04	3/5/04	29/47	
60L-39.006	2/12/04	3/5/04	29/47	
60L-39.007	2/12/04	3/5/04	29/47	

**DEPARTMENT OF HEALTH**

**Vital Statistics**

64V-1.001	2/9/04	2/29/04	30/2	
64V-1.002	2/9/04	2/29/04	30/2	
64V-1.0031	2/9/04	2/29/04	30/2	
64V-1.0032	2/9/04	2/29/04	30/2	
64V-1.0033	2/9/04	2/29/04	30/2	
64V-1.004	2/9/04	2/29/04	30/2	
64V-1.006	2/9/04	2/29/04	30/2	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
64V-1.0061	2/9/04	2/29/04	30/2	
64V-1.007	2/9/04	2/29/04	30/2	
64V-1.008	2/9/04	2/29/04	30/2	
64V-1.0081	2/9/04	2/29/04	30/2	
64V-1.0131	2/9/04	2/29/04	30/2	
64V-1.014	2/9/04	2/29/04	30/2	
64V-1.016	2/9/04	2/29/04	30/2	
64V-1.019	2/9/04	2/29/04	30/2	
64V-1.020	2/9/04	2/29/04	30/2	
64V-1.021	2/9/04	2/29/04	30/2	

**NAVIGATION DISTRICTS**

**Florida Inland Navigation Districts**

66B-1.003	2/12/04	3/3/04	29/47	
66B-1.004	2/12/04	3/3/04	29/47	
66B-1.005	2/12/04	3/3/04	29/47	
66B-1.008	2/12/04	3/3/04	29/47	
66B-2.003	2/12/04	3/3/04	29/47	
66B-2.004	2/12/04	3/3/04	29/47	
66B-2.005	2/12/04	3/3/04	29/47	
66B-2.008	2/12/04	3/3/04	29/47	

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

69O-154.201	2/10/04	3/1/04	29/37	30/3
69O-154.202	2/10/04	3/1/04	29/37	30/3
69O-154.203	2/10/04	3/1/04	29/37	30/3
69O-154.204	2/10/04	3/1/04	29/37	30/3
69O-154.210	2/10/04	3/1/04	29/37	30/3
69O-200.007	2/10/04	3/1/04	29/44	30/3