

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Alternative Standardized Reading Assessment  
 RULE NO.: 6A-1.094221

PURPOSE AND EFFECT: The purpose of this rule development is to identify the acceptable levels of performance on an alternative standardized reading assessment for good cause promotion from third grade for the 2003-04 school year. The effect is to implement the requirements of Section 1008.25(6)(b)3., Florida Statutes, and continued implementation of a uniform standard for this good cause promotion exemption.

SUBJECT AREA TO BE ADDRESSED: Alternative standardized reading assessment for good cause promotion.

SPECIFIC AUTHORITY: 1008.25(6)(b) FS.

LAW IMPLEMENTED: 1008.25(6)(b)3. FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Laura Openshaw, Director, Just Read, Florida! 325 West Gaines Street, Suite 1402, Tallahassee, FL 32399; (850)245-0503

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

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

PURPOSE AND EFFECT: The purpose of this rule development is to implement the recommended weighting of the multiple-choice section and the essay section of the English 6-12 subject area examination, to establish the transitional passing scores for the Computer Science K-12 subject area examination; to revise the timeline for recommending standard passing scores for Middle Grades Integrated Curriculum 5-9 and Physical Education K-12 subject area examinations; and to update the examination application form for persons to use when registering for the Florida Teacher Certification Examinations. The effect is that the weighting of the English 6-12 examination will be based on the recommendation of the

content experts, a transitional passing scores will be established for the Computer Science K-12 subject area examination; the revised timeline will permit sufficient data to be collected before standard passing scores are recommended for the Middle Grades Integrated Curriculum 5-9 and Physical Education K-12 subject area examinations; and the Florida Teacher Certification Examinations application form will be available for applicants and will contain current and accurate information.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examination.

SPECIFIC AUTHORITY: 1012.56(8) FS.

LAW IMPLEMENTED: 1012.56 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., March 24, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathy Fearon, Accountability, Research, and Measurement, Department of Education, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Educational Leadership Examination  
 RULE NO.: 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule development is to adopt an updated examination application form for persons to use when registering for the Florida Educational Leadership Examination. The effect is that the Florida Educational Leadership Examination application form will be available for applicants and will contain current and accurate information.

SUBJECT AREA TO BE ADDRESSED: Florida Educational Leadership Examination.

SPECIFIC AUTHORITY: 1012.56(8) FS.

LAW IMPLEMENTED: 1012.56 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., March 24, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathy Fearon, Assessment, Research, and Measurement, Department of Education, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

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

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

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

**PUBLIC SERVICE COMMISSION**

DOCKET NO: 991473-TP

RULE TITLES:	RULE NOS.:
Application and Scope	25-4.002
Definitions	25-4.003
Report of Interruptions	25-4.023
Safety	25-4.038
Traffic	25-4.039
Courtesy	25-4.041
Availability of Service	25-4.066
Customer Trouble Reports	25-4.070
Transmission Requirements	25-4.072
Answering time	25-4.073
Customer Appointments	25-4.077
Weighted Measurement of Quality of Service	25-4.080
Service Guarantee Program	25-4.085

PURPOSE AND EFFECT: The purpose of this rulemaking is to eliminate rules that are no longer necessary, clarify rules that were ambiguous, and to promote a Service Guarantee Program from which consumers can directly benefit if the company misses a service standard.

SUBJECT AREA TO BE ADDRESSED: Service rules for telecommunications companies.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01, 364.01(4), 364.02, 364.03, 364.03(1), 364.025, 364.035, 364.036, 364.14, 364.15, 364.183, 364.185, 364.17, 364.18, 364.19, 364.386, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 365.171 FS.

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

TIME AND DATE: 9:30 a.m., March 19, 2004

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

Although the workshop is scheduled it will only be held if a written request to hold the workshop is filed.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING: Commission’s Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Don McDonald, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards which will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the utility and the customer. The rules contained in Parts I-XI of this Chapter apply to local exchange companies. The rules contained in Parts II and Parts V apply only to residential service. The rules contained in Part X of Chapter 25-24 apply to any Interexchange Company. The rules in Part XI of Chapter 25-24 apply to any pay telephone service company. The rules in Part XII of Chapter 25-24 apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24 apply to all Operator Service Provider Companies and call aggregators. The rules contained in Part XIV of Chapter 25-24 apply to all Alternative Access Vendor Service Providers. The rules contained in Part XV apply to all competitive local exchange telecommunications companies.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3375, 364.3376 FS. History—Revised 12/01/68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99,\_\_\_\_\_.

25-4.003 Definitions.

For the purpose of Chapter 25-4, the definitions to the following terms apply:

(1) “Access Line” or “Subscriber Line-” or “Subscriber Loop.” The circuit or channel between the demarcation point at the customer’s premises and the serving end or class 5 central office.

(2) through (16) No change.

~~(17) “Extension Station.” An additional station connected on the same circuit as the main station and subsidiary thereto.~~

(18) through (29) renumbered (17) through (28) No change.

~~(29)~~(30) “Local Exchange Telecommunications Company (LEC).” Any telecommunications company, certificated by the commission prior to July 1, 1995, to provide local exchange telecommunications service as defined in Section 364.02(6), Florida Statutes.

(31) through (50) renumbered (30) through (49) No change.

~~(50)~~(4) “Subscriber Line” or “Subscriber Loop.” See “Access Line.”

(52) through (59) renumbered (51) through (58) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602 FS. History—Revised 12-01-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 7-20-98, 12-28-98, 2-1-99, 7-5-00, \_\_\_\_\_.

#### 25-4.023 Report of Interruptions.

(1) The Commission shall be informed of any major interruptions to service that affectsing one thousand (1,000) or more subscribers for a period of thirty (30) minutes or more in duration an entire community or a substantial portion of a community as soon as it they comes to the attention of the utility. The Company shall provide the time, location, the expected duration of the outage and when the interruption is restored.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, \_\_\_\_\_.

#### 25-4.038 Safety.

Each utility shall at all times use reasonable efforts to properly warn and protect the public from danger, and shall exercise due care to reduce the hazards to which employees, customers, and the public may be subjected by reason of its equipment and facilities. All subscriber loops shall be properly installed to prevent harm to the public as referenced in Article 800.30 and 800.31 of the National Electric Code (NEC).

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—Revised 12-1-68, Formerly 25-4.38, Amended \_\_\_\_\_.

#### 25-4.039 Traffic.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.39, Amended 3-10-96, Repealed \_\_\_\_\_.

#### 25-4.041 Courtesy.

Specific Authority 350.127(2) FS. Law Implemented 364.03 FS. History—New 12-1-68, Formerly 25-4.41, Repealed \_\_\_\_\_.

#### 25-4.066 Availability of Service.

(1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer demands for basic local telephone communications service within its certificated area in accordance with its filed

tariffs or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities.

(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for residential line primary service in any calendar month shall normally be satisfied in each exchange of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines or service center within an interval of three working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.

(3) If the applicant requests an installation date beyond three working days, the requested date shall be counted as day three for measurement purposes.

(4) When an appointment must be made in order for the company to gain access to the customer’s premises, the mutually agreed to date will be day three for measurement purposes. Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. Whenever a company representative is unable to gain admittance to a customer’s premises during the scheduled appointment period, the company representative shall leave a notice, indicating the name of the company representative and the date and time the company representative was at the premises.

(3) through (5) renumbered (5) through (7) No change.

(8) Each company shall report per Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to the availability of service requirements as outlined in Form PSC/CMU 28 ( /04), incorporated herein by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within thirty calendar days.

Specific Authority 350.127(2), ~~364.14~~ FS. Law Implemented 364.03, ~~364.14~~, 364.025, 364.14, 364.15, 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, \_\_\_\_\_.

#### 25-4.070 Customer Trouble Reports.

(1) through (2) No change.

(3) Service Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to insure at least 95 percent shall be cleared within 24 hours of report in each exchange which contains at least 50,000 lines will be as measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.

(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report in each exchange as measured on a monthly basis.

(c) If the customer requests that the service be restored on a particular day beyond the objectives outlined in (a) and (b) above, the trouble report shall be counted as having met the objective if the requested date is met.

(4) through (7) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, \_\_\_\_\_.

25-4.072 Transmission Requirements.

(1) Telecommunications companies shall furnish and maintain the necessary plant, equipment, and facilities to provide modern, adequate, sufficient, and efficient transmission of communications between customers in their service areas. Transmission parameters shall conform to ANSI/IEEE Standard 820 A Telephone Loop Performance Characteristics (Adopted 1984). Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and crosstalk shall be such as not to impair communications. The maximum loss objective of inter toll trunks shall be consistent with the requirements of the nationwide switching plan and overall transmission losses within each trunk group will not vary more than plus or minus two db.

(2) through (3) No change.

Specific Authority 350.127(2), 364.01(4), 364.15, 364.386 FS. Law Implemented 364.01(4), 364.03, 364.15 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96, \_\_\_\_\_.

25-4.073 Answering Time.

(1) Each telephone utility shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service criteria under normal operating conditions:

~~(a) If emergency services for the LEC's total serving area is currently answered by the 911 system, at least ninety (90%) percent of the calls offered to the LEC provided operator shall be answered within thirty (30) seconds after zero only is dialed.~~

~~(b) If emergency services for the LEC's total serving area is not currently answered by the 911 system, at least ninety (90%) percent of all the calls offered shall be answered within 20 seconds after zero only is dialed.~~

(a)(e) At least ninety (90%) percent of all calls directed to intercept, directory assistance and repair and business office services and eighty (80%) percent of all calls to business offices shall be answered within thirty (30) seconds after the last digit is dialed when no menu driven system is utilized.

~~(b)(d) Notwithstanding (c) above, w~~When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least (95%) percent of the calls offered shall be answered within 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall ~~only identify the company and the general options available to the customer.~~ include (The option of transferring to a live attendant within the first 30 seconds of the message. shall be included in the initial message.

(c) For subscribers who either selecting the option of transferring to a live assistant, or do not interact with the system for twenty seconds, except for business office calls, at least ninety five (95%) percent of all calls the call shall be transferred by the system to a live attendant. At least ninety-five (95%) of the calls shall be answered by the live attendant prepared to give immediate assistance within thirty (30) fifty five (55) seconds of being transferred last digit of the telephone number listed in the directory for the company's service(s) was dialed. Eighty five (85%) percent of all such calls directed to any business office shall be transferred by the system to a live attendant within fifty-five (55) seconds after the last digit is dialed. At any time during the call, the customer shall be transferred to live assistance if the customer fails to interact with the system for a time period of ten (10) seconds following any prompt. For the purposes of this section, interaction means responding to a customer prompt offered by the system by keying (pressing) a number or character of a Dual-Tone Multiple-Frequency (DTMF) keypad associated with a telephone.

~~(e) In accordance with Rule 25 4.0770, when a menu driven, automated, interactive, answering system is utilized, provisions shall be included to allow the customer to make an appointment or to negotiate with a live attendant, or with the system, any appointment or commitment offered to the customer by the system. The subscriber shall be able to renegotiate appointments using the system.~~

~~(f) Automated systems shall not contain promotional or merchandising material unless the customer selects and chooses to receive such information.~~

(d)(g) The terms "answered" as used in subparagraphs (a) and (c)(b) above shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that a the operator, service representative, or automated system is ready to render assistance and/or accept the information necessary to process the call. With respect to calls to business office services where the company practice provides that such calls are directed to an operator position, an additional twenty (20) seconds will be allowed to extend the call excluding the time required for the customer to provide sufficient information to the operator in order to process the call. In those instances where the call cannot be extended within the allotted interval, the calling party is to be given the

~~option of placing the call again or providing a number by which a company representative will return the call within ten (10) minutes or at a time mutually convenient to the parties.~~

~~(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule. The company shall add ten (10) seconds to the answer time for each call. This ten (10) second constant will substitute for actual data on the time required for the call to connect to the company's facilities. Monthly summary results of such studies shall be filed with the Commission promptly after the end of each calendar quarter.~~

~~(2)(3) All telephone communications companies are expected to answer their main published telephone number on a twenty-four (24) hour a day basis. Such answering may be handled by a special operator at the toll center or directory assistance facility when the company offices are closed. Where after hours calls are not handled as described above, at least the first published business office number will be equipped with a telephone answering device which will notify callers after the normal working hours of the hours of operation for that business office. Where recording devices are used, the message shall include the telephone number assigned to handle urgent or emergency calls when the business office is closed.~~

~~(3) Each company shall report per Rule 25-4.0185, F.A.C., Periodic Reports, to the Commission the performance of the company with respect to answer time as outlined in Form PSC/CMU 28.~~

~~Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.17, 364.03, 364.386, 365.171 FS. History--New 12-1-68, Formerly 25-4.73, Amended 3-31-76, 11-24-92, \_\_\_\_\_.~~

~~25-4.0770 Customer Appointments.~~

~~Specific Authority 350.127(2) FS. Law Implemented 364.03(1), 364.025, 364.19 FS. History--New 7-13-82, Formerly 25-4.770, Amended 3-10-96, Repealed \_\_\_\_\_.~~

~~25-4.080 Weighted Measurement of Quality of Service.~~

~~Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS. History--New 6-2-93, Repealed \_\_\_\_\_.~~

~~25-4.085 Service Guarantee Program.~~

~~A company may petition the commission for approval of a Service Guarantee Program, which would relieve the company from the rule requirement of each service standard addressed in the approved Service Guarantee Program. The Commission shall have the right to enforce the provisions of the Service Guarantee Plan. The Commission may terminate any Service Guarantee Plan at any time for any reason.~~

~~Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS. History--New \_\_\_\_\_.~~

**PUBLIC SERVICE COMMISSION**

RULE TITLE: Expedited Dispute Resolution Process  
 RULE NO.: 25-22.0365

for Telecommunications Companies  
 PURPOSE AND EFFECT: To facilitate the quick resolution of disputes between telecommunications companies.

SUBJECT AREA TO BE ADDRESSED: Dispute resolution.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.058 FS.

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

TIME AND DATE: 9:30 a.m., March 29, 2004

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.0365 Expedited Dispute Resolution Process for Telecommunications Companies.

(1) The purpose of this rule is to establish an expedited process for resolution of disputes between telecommunications companies ("companies").

(2) To be considered for the expedited process:

(a) The dispute must involve only two parties; and,

(b) The companies involved in the dispute must have attempted to resolve the issue or issues informally.

(3) To initiate the expedited dispute resolution process, the complainant company must file with the Commission a request for expedited proceeding, direct testimony, and exhibits, and must simultaneously serve the filing on the other company involved in the dispute. The request for expedited proceeding is in lieu of the petition required by Rule 28-106.201, Florida Administrative Code.

(4) The request for expedited proceeding must include:

(a) The name, address, telephone number, fax number and e-mail address of the complainant company and its representative to be served, if different from the company;

(b) A statement of the specific issue or issues to be litigated and the complainant company's position on the issue or issues;

(c) The relief requested;

(d) A statement attesting to the fact that the complainant company attempted to resolve the dispute informally; and

(e) An explanation of why the use of this expedited process is appropriate. The explanation of why use of the expedited process is appropriate shall include a discussion of the following:

1. The complexity of the issues;

2. The policy implications that resolution of the dispute is expected to have, if any;

3. The topics on which the company plans to conduct discovery, including a description of the nature and quantity of information expected to be exchanged;

4. The specific measures taken to resolve the dispute informally; and

5. Any other matter the company believes relevant to determining whether the dispute is one suited for expedited resolution.

(5) The request for expedited proceeding shall be dismissed if it does not substantially comply with the requirements of paragraphs (2), (3) and (4), above. The first dismissal shall be without prejudice.

(6) The respondent company may file a response to the request. The response must be filed within 14 days of the filing of the request for expedited proceeding.

(a) The response shall include the name, address, telephone number, fax number and e-mail address of the respondent and the respondent's representative to be served, if different from the respondent.

(b) The response to the request may include any information that the company believes will help the Prehearing Officer decide whether use of the expedited dispute resolution process is appropriate. Such information may include, but is not limited to:

1. The respondent's willingness to participate in this process;

2. A statement of the specific issue or issues to be litigated from the respondent's perspective, and the respondent's position on the issue or issues;

3. A discussion of the topics listed in (4)(b)-(e)1.-5. above.

(7) If a response to the request for expedited proceeding is not filed within 14 days of the request for expedited ruling, the Prehearing Officer will decide whether use of the expedited proceeding is appropriate based on the factors provided in Section 364.058(3), Florida Statutes, and the materials initially filed by the complainant company.

(8) Unless otherwise provided by order of the Prehearing Officer based on the unique circumstances of the case, the schedule for each expedited case will be as follows:

(a) Day 0 – request for expedited proceeding, direct testimony and exhibits are filed;

(b) Day 14 – deadline for filing a motion to dismiss, and a response to the request for expedited proceeding;

(c) Day 21 – deadline for filing a response to the motion to dismiss, if one is filed;

(d) Day 42 – deadline for the Commission staff to file testimony;

(e) Day 56 – deadline for the respondent to file rebuttal testimony.

(9) Closing arguments shall be made in lieu of post-hearing briefs.

(10) The Commission shall make a decision on the dispute within 120 days of receiving the complainant company's request for expedited proceeding, direct testimony and exhibits.

(11) Responses to discovery requests shall be made within 15 days of service of the discovery requests;

(12) Service of all documents on the parties shall be by e-mail or facsimile. An additional copy shall be furnished by hand delivery, overnight mail or U.S. mail. Filing of all documents with the Commission shall be by hand delivery, overnight mail or any method of electronic filing available under the Commission rules.

(13) If, in the course of an expedited proceeding, a motion to intervene is granted, then the proceeding will no longer be considered an expedited proceeding under this rule.

(14) Nothing in this rule shall prevent the Commission from initiating an expedited proceeding on its own motion. Once the Commission has determined that use of an expedited proceeding is appropriate, nothing in this rule shall prevent the Commission from making a later determination that the case is no longer appropriate for an expedited proceeding.

Specific Authority 350.127(2) FS. Law Implemented 364.058 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLE: Forms  
RULE NO.: 61B-15.0012

PURPOSE AND EFFECT: The purpose of the changes is to correct errors and add missing items to the form receipt for condominium documents.

SUBJECT AREA TO BE ADDRESSED: As required by Rule 61B-18.004, Florida Administrative Code, condominium developers must provide the form receipt for documents to condominium purchasers. The form must indicate which documents were provided to purchasers and contain the purchaser's signature. The developer must provide a copy of the signed form to purchasers.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c), 718.621 FS.

LAW IMPLEMENTED: 718.403, 718.502, 718.503, 718.504, 718.618(8) FS.

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

TIME AND DATE: 10:00 a.m., March 30, 2004

PLACE: Conference Room 440, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshops asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

A copy of the rule amendment is available online at <http://www.myflorida.com/portal>, <Find an Agency, <DBPR, <Land Sales, <Condominiums.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE TITLES:	RULE NOS.:
Procedure for Filing	61B-17.002
Examination of Documents	61B-17.005
Filing and Examination of Amendments to Documents	61B-17.006

PURPOSE AND EFFECT: The changes would require that corrections to initial filings and amendments be submitted to the division with an itemized cover page and corrected pages that are coded to show additions and deletions. The change would facilitate the division’s review of lengthy corrections to condominium documents. The changes would delete unnecessary language related to the method of binding voluminous documents submitted to the division. With regard to purchase contract amendments, the rule changes would address a practical problem faced by the division and industry alike with regard to individual purchaser modifications to the approved form purchase contract at the point of sale. Current law provides that all amendments to approved documents must be filed with the division for approval and the purchaser must have 15 days after receipt of approved documents in which to

rescind the contract. Given that contracts between the developer and condominium purchasers are considered to be contracts of adhesion, the division has a duty to review all such amendments to ensure consistency with chapter 718, F.S. However, in many instances, an individual purchaser wishes to change a provision of the form contract in a manner that does not conflict with, or reduce purchaser rights or remedies under, Chapter 718, F.S. Some developers do not allow any changes to the form purchase contract, knowing that all such changes must be approved by the division and may open a new rescission window. The proposed rule would provide that separately attached addenda or modifications to the form purchase contract are not considered “amendments” and need not be filed with the division so long as the modifications do not contain any waiver of purchaser rights or other inconsistencies with Chapter 718, F.S., and related rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule changes relate to the filing and review process including the need for redlining of corrections submitted by developers and filing requirements for certain contract modifications made by the purchaser at the point of sale.

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

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 10:00 a.m., March 30, 2004

PLACE: Conference Room 440, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

A copy of the rule amendment is available on line at <http://www.myflorida.com/portal>, <Find an Agency, <DBPR, <Land Sales, Condominiums and Mobile Homes.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLES:	RULE NOS.:
Pre-licensing Education for Broker and Sales Associate Applicants	61J2-3.008
Continuing Education for Active and Inactive Broker and Sales Associate Licensees	61J2-3.009
Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees	61J2-3.020

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss possible incorporation of the end-of-course item writing guideline relating to pre-licensing, post-licensing and continuing education.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to pre-licensure, post-licensure and continuing education for real estate licensees.

SPECIFIC AUTHORITY: 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.17, 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, March 16, 2004

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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**

**Division of Medical Quality Assurance**

RULE TITLE:	RULE NO.:
Office Surgery: Registration Requirements, Fees	64B-4.003

PURPOSE AND EFFECT: The Department proposes new Rule 64B-4.003 setting forth the requirements and fees for registering an office performing level II and level III surgical procedures.

SUBJECT AREA TO BE ADDRESSED: Office surgery, registration requirements, fees.

SPECIFIC AUTHORITY: 456.004, 458.309(3), 459.005(2) FS.

LAW IMPLEMENTED: 458.309(3), 459.005(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Crystal A. List, Department of Health, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE:	RULE NO.:
Disciplinary Guidelines	64B8-8.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the statutory requirement found in Section 456.0575, F.S., with regard to notification of adverse incidents by responsible practitioners.

SUBJECT AREA TO BE ADDRESSED: Notification to patients of adverse incidents.

SPECIFIC AUTHORITY: 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) 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: 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:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE
(a) through (rr) No change.		
(ss) For the practitioner(s) responsible for the adverse incident, failing to inform a patient, or an individual identified pursuant to Section 765.401(1), F.S., in person about adverse incidents that result in serious harm to the patient. (456.0575, F.S.)	(ss) From a reprimand to probation or denial and an administrative fine of \$1,000 to \$5,000.	(ss) From probation to denial and an administrative fine of \$5,000 to \$10,000.

(3) through (7) No change.

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, \_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Notice of Noncompliance

RULE NO.: 64B8-8.011

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the statutory requirement found in Section 456.0575, F.S., with regard to notification of adverse incidents by non-responsible practitioners.

SUBJECT AREA TO BE ADDRESSED: Notification to patients of adverse incidents.

SPECIFIC AUTHORITY: 456.073(3), 458.309 FS.

LAW IMPLEMENTED: 456.073(3), 456.0575 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: 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:

64B8-8.011 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), F.S., the Department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Department may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, F.S. There are only two exceptions to the prohibition against use of a notice of noncompliance when there is more than one violation. The first is that a notice of noncompliance may be issued to a registered dispensing practitioner for a first time violation of one or more of the violations listed in paragraph (3)(b), subparagraphs 4., 5., 10., 11., 12., 13., and 14., if there is not evidence of diversion. The second is that a notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in paragraph (3)(c). Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(2) No change.

(3) The following violations are those for which the board authorizes the Department to issue a notice of noncompliance.

(a) No change.

(b) Failure to perform one of the following statutory or legal obligations:

1. through 17. No change.

18. First occurrence of failing to comply with the provisions of Sections 456.0575, F.S., to notify the patient or an individual identified pursuant to Section 765.401(1), F.S., in person about adverse incidents that result in serious harm to the patient, for the practitioner(s) who was not responsible for the adverse incident.

(c) through (d) No change.

Specific Authority 456.073(3), 458.309 FS. Law Implemented 456.073(3), 456.0575 FS. History—New 11-15-90, Formerly 21M-20.011, 61F6-20.011, 59R-8.011, Amended 1-27-00, 1-8-02, 1-12-03, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Definitions  
 RULE NO.: 64B14-3.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 456.035(1), 468.802 FS.

LAW IMPLEMENTED: 456.035(1), 468.802, 468.803, 468.805, 468.807, 468.808, 468.809 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Continuing Education for Biennial Renewal  
 RULE NO.: 64B15-13.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address requirements for continuing education.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments clarify the number of hours for specified continuing medical education; address the criteria for the Laws and Rules course; and address continuing medical education for Board members.

SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5),(6),(7), 459.008, 459.008(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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Seven of the continuing medical education hours required for renewal shall be one hour HIV/AIDS course, one hour Domestic Violence, one hour Risk Management Course, one hour Florida Laws and Rules, one hour on the laws regarding the use and abuses of controlled substances ~~Managed Care Course~~, and two hours Prevention of Medical Errors Course.

(b) No change.

(2) At least twenty (20) of the forty (40) hours of the continuing medical education required under this rule shall be American Osteopathic Association approved Category I-~~A~~ continuing education related to the practice of osteopathic medicine or under osteopathic auspices.

(3)(a) No change.

(b) The ~~seven (7) hours of~~ continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to Risk Management, Florida Laws and Rules, controlled substances and the prevention of medical errors shall be obtained by the completion of live, participatory attendance courses. However the continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to HIV/AIDS, domestic violence, or the alternative end-of-life/palliative care as set forth in subsection (7) of this rule may be obtained by the completion of non-live/participatory attendance as provided in subsection (4) of this rule.

~~(c) For purposes for this rule, managed care means a discussion on quality assurance; utilization review; chart documentation; contracting with medical organizations; conflicts with the medical practice act; and ethical, moral and legal issues as it relates to the physician's ability to impact on the patient's health, safety and welfare.~~

~~(c)(d)~~ No change.

~~(d)(e)~~ The one hour of Risk Management may be fulfilled by attending at least three (3) hours of disciplinary hearings at a regular meeting of the Board of Osteopathic Medicine in compliance with the following:

1. through 2. No change.

3. The licensee must sign out with the Executive Director of the Board, or designee, at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. The licensee may receive CME credit in risk management for attending the disciplinary portion of a Board

meeting only if the licensee is attending on that day solely for that purpose; the licensee may not receive such credit if appearing at the Board meeting for another purpose. Members of the Board of Osteopathic Medicine may receive up to 10 hours of risk management credit per biennium for such attendance at ~~the one full day of~~ disciplinary hearings ~~of at a~~ regular meetings of the Board.

4. No change.

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

(4) No change.

(5) Home study hours up to a maximum of eight (8) hours per biennium may be utilized toward continuing education requirements for renewal ~~excluding the seven hours listed in paragraph 64B15-13.001(1)(a), F.A.C.~~ In order to be acceptable, said home study hours must be approved by the AOA, the AMA, the Board, or approved for credit as a college or university extension course with approved grading and evaluation standards.

(6) through (8) No change.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5),(6),(7), 459.008, 459.008(4) FS. History--New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE:

Standards of Care for Pain

Management Centers

RULE NO.:

64B15-14.0055

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the appropriate standard of care for pain management centers.

SUBJECT AREA TO BE ADDRESSED: The appropriate standard of care criteria for pain management centers.

SPECIFIC AUTHORITY: 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1)(z) 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 Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE:

Aggravating or Mitigating Circumstances

RULE NO.:

64B15-19.003

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address criteria with regard to aggravating and mitigating circumstances for the purpose of imposing discipline.

SUBJECT AREA TO BE ADDRESSED: Aggravating and mitigating circumstances for the purpose of imposing discipline.

SPECIFIC AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.079 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.003 Aggravating or Mitigating Circumstances.

When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the board by clear and convincing evidence, the board shall be entitled to deviate from the above guidelines in imposing discipline upon an applicant or licensee. Absence of any such evidence of aggravating or mitigating circumstances before the hearing officer prior to the issuance of a recommended order shall not relieve the board of its duty to consider evidence of mitigating or aggravating circumstances. Aggravating and mitigating circumstances shall include, but not be limited to the following ~~Based upon the following factors, the board may impose disciplinary action other than the penalties recommended above:~~

~~(1) The severity of the offense;~~

~~(1)(2) The danger to the public;~~

~~(3) The number of repetitions of offenses;~~

~~(2)(4) The length of time since the violations;~~

~~(3)(5) The number of times the licensee has been previously disciplined by the Board;~~

~~(4)(6) The length of time the licensee has practiced;~~

~~(5)(7) The actual damage, physical or otherwise, caused by the violation;~~

~~(6)(8) The deterrent effect of the penalty imposed;~~

~~(7)(9) The effect of penalty upon the licensee's livelihood;~~

~~(8)(10) Any effort of rehabilitation by the licensee;~~

(9)(11) The actual knowledge of the licensee pertaining to the violation;

(10)(12) Attempts by the licensee to correct or stop violations or refusal by licensee to correct or stop violations;

(11)(13) Related violations against licensee in another state, including findings of guilt or innocence, penalties imposed and penalties served;

(12)(14) The actual negligence of the licensee pertaining to any violations;

(13)(15) The penalties imposed for related offenses;

(14)(16) The pecuniary gain to the licensee;

(15)(17) Any other relevant mitigating or aggravating factors under the circumstances. Any penalties imposed by the board may not exceed the maximum penalties set forth in Section 459.015(2), F.S.

Specific Authority 456.079 FS. Law Implemented 456.079 FS. History--New 9-30-87, Formerly 21R-19.003, 61F9-19.003, 59W-19.003, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Labels and Labeling of Medicinal Drugs –

RULE NO.:

Community Pharmacy Permit 64B16-28.402

PURPOSE AND EFFECT: The Board proposes the rule amendment in response to comments from the Joint Administrative Procedures Committee concerning the use of earlier expiration dates than those of the manufacturer, repackager or distributor.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment deletes the provision allowing pharmacists to use an earlier expiration date.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(1), 465.0255 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.402 Labels and Labeling of Medicinal Drugs – Community Pharmacy Permit.

(1) The label affixed to a container used in dispensing non-controlled substances in regard to conventional dispensing shall contain at least the following information:

(a) through (g) No change.

(h) The expiration date of the drug product provided by the drug manufacturer, repackager, or distributor. ~~The pharmacist may choose to use an earlier expiration date when in the pharmacist's professional judgement such date is necessary for the safe use of the product.~~ The information required in this subsection may be delivered to the purchaser in other written form. To avoid patient confusion the information required by this subsection must be in the following format: "Discard after (date)." When the drug product is dispensed for administration to the inpatient of a nursing home in unit dose packaging bearing appropriate expiration date, the "Discard after \_\_\_\_\_ (date)" requirement is waived.

(2) through (3) No change.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022(1), 465.0255 FS. History--New 7-3-91, Formerly 21S-28.402, Amended 12-27-93, Formerly 61F10-28.402, 59X-28.402, Amended 9-17-97, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Centralized Prescription Filling

RULE NO.:

64B16-28.450

PURPOSE AND EFFECT: The Board proposes the rule amendments in response to comments from the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments clarify the requirements for supplier pharmacies and receiving pharmacies engaged in centralized prescription filling.

SPECIFIC AUTHORITY: 465.003, 465.005, 465.0265 FS.

LAW IMPLEMENTED: 465.003(16), 465.0265 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.450 Centralized Prescription Filling.

~~Pharmacies acting as the supplier pharmacy under the centralized prescription filling of Section 465.0265, F.S., shall be licensed as either a community pharmacy or a non-resident pharmacy as appropriate.~~

(1) As used herein:

(a) The term "receiving pharmacy" means a pharmacy wherein the prescription which will be filled by the supplier pharmacy is initially presented. A "receiving pharmacy" is also

the pharmacy which will dispense the medication once the prescription has been filled by the supplier pharmacy and then delivered to the receiving pharmacy; and.

(b) The term "supplier pharmacy" means a pharmacy which performs centralized prescription filling for one or more receiving pharmacies.

(2) Pharmacies acting as the supplier pharmacy must be authorized to dispense medications under the provisions of Chapter 465, Florida Statutes, and the rules promulgated thereto.

(3)(4) A community pharmacy which acts as the supplier pharmacy and which notifies the Board that its such pharmacy practice is so limited only to such practice shall be exempt from the following rules:

(a) through (c) No change.

(4)(2) All supplying and receiving pharmacies engaged in centralized prescription filling shall create and keep current a Policy and Procedure Manual which shall:

(a) Be prepared and maintained at the locations of specific to the supplying and receiving pharmacies; pharmacy at both locations;

(b) Include the information Appropriately address each of the elements required in by Sections 465.0265(2)(a)-(f), F.S.; and

(c) Be reviewed and found compliant with this section and Section 465.0265, Florida Statutes, by a board representative prior to initiation of service.

(5)(3) Delivery of medications by the supplying pharmacy shall only be made to the receiving pharmacy for dispensing. Such delivery must be made where the prescription resides and must be in a timely manner.

(6)(4) No change.

(5) The receiving pharmacy shall notify prescription drug patrons of the pharmacy by printed notice or signage that a central pharmacy may be involved in the preparation of dispensed prescription drug products.

Specific Authority 465.003,465.005, 465.0265 FS. Law Implemented 465.003(16), 465.0265 FS. History--New 9-23-03, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Criteria for the Selection of Consultants

RULE NO.: 64B16-30.004

PURPOSE AND EFFECT: The Board proposes a new rule to establish criteria for the selection of consultant pharmacists to the Department of Health.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule sets forth the eligibility requirements a pharmacist must meet to act as a consultant.

SPECIFIC AUTHORITY: 456.004(8), 465.005 FS.

LAW IMPLEMENTED: 456.004(8) 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-30.004 Criteria for the Selection of Consultants.

(1) In order to be eligible to act as a pharmacy consultant for the Department of Health (Department) an individual must meet the following criteria:

(a) Five (5) years current continuous practice as a pharmacist;

(b) The capacity to discuss with and enlist the cooperation of other pharmacists and physicians licensed pursuant to Chapters 458, 459, 461, and 462, Florida Statutes, and attorneys, Department investigators, and state law enforcement officials dealing in pharmacy matters;

(c) Not have had a pharmacist or other health care license suspended, revoked, or otherwise disciplined, except that a disciplinary penalty of an administrative fine and/or probationary period only imposed more than five (5) years prior to the licensee's consideration as a consultant shall not disqualify the pharmacist from consideration; and.

(d) Not be currently under investigation by the Department, or by any State or Federal Department.

(2) At the time it selects a consultant, the Department will notify the Chair of the Probable Cause Panel, or if applicable, the chair of any other Board committee with an interest in the consultant's duties.

Specific Authority 456.004(8), 465.005 FS. Law Implemented 456.004(8) FS. History--New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Spouses of Members of Armed Forces Exemption

RULE NO.: 64B32-1.010

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

SUBJECT AREA TO BE ADDRESSED: Spouses of Members of Armed Forces Exemption.

SPECIFIC AUTHORITY: 456.024(2) FS.

LAW IMPLEMENTED: 456.024(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-1.010 Spouses of Members of Armed Forces Exemption.

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 when the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence and the spouse’s military status to the Board. The licensee is required to notify the Board of a change in status within six months of the licensee’s return to the State of Florida or the spouse’s discharge from active duty. If the change of status occurs within the second half of the biennium, the licensee is exempt from the continuing education requirement for that biennium.

Specific Authority 456.024(2) FS. Law implemented 456.024(2) FS. History–New 1-6-02, Amended\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Mediation  
RULE NO.: 64B32-5.006

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

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 456.078 FS.

LAW IMPLEMENTED: 456.078 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.006 Mediation.

(1) “Mediation” means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement. When an offense subject to mediation is also a citation violation, the mediator shall be informed regarding the citation penalty for the offense.

(2) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation:

(a) First first time violations of subsection 64B32-6.001(2), F.A.C., failure to respond to a continuing education audit.

(b) Failure to notify the Department of a change of address as required by Rule 64B32-1.006, F.A.C., if there is a dispute and the Respondent did not timely respond to a notice of noncompliance.

(c) Issuance of a bad check to the Department under Section 468.365(1)(l), F.S. if there is a dispute and the Respondent did not timely respond to a notice of noncompliance.

(d) Violation of continuing education requirements under Section 468.361, F.S.

(e) Unprofessional conduct violations under Rule 64B32-5.003, F.A.C.

(f) Exercising influence on a patient to exploit the patient for financial gain under Section 468.365(1)(u), F.S.

(g) Failure to pay required fees and/or fines in a timely matter if disputed under Section 468.365(1)(i), F.S.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History–New 3-21-95, Formerly 59R-74.005, 64B8-74.005, Amended\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Citations  
RULE NO.: 64B32-5.007

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.072(3), 456.077 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.007 Citations.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. 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 documentation of completion of continuing education requirements shall be as specified in paragraph (2)(a). If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S. In addition to any administrative fine imposed, the Respondent shall ~~may~~ be required by the Department to pay the costs of investigation. The form to be used is specified in the rules of the Department of Health.

(2) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

(a) Violations of continuing education requirements required by Sections 468.361(2), (3), or (4), F.S.: within six months of the date citation is issued, licensee must submit certified documentation of completion of all the CE requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, licensee must document compliance with the CE requirements for the relevant period; ~~AND,~~

(b) No change.

(c) Practicing on a delinquent license under Section 468.365(1)(x), F.S. if the license is renewed to active status within 120 days of the date the license should have been renewed: \$200 \$50 fine for each month or part thereof.

(d) No change.

(e) Failure to keep written respiratory care records justifying the reason for the action taken ~~by the certificateholder or registrant~~ on only one patient under Section 468.365(1)(t), F.S.: \$100 fine.

(f) No change.

(g) Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs under Section 468.365(1)(u), F.S., where the patient has received a refund within 30 days of purchase: \$1,000 fine.

(h) Failure to submit compliance documentation after within 45 days from the receipt of the continuing education audit notification under Section 468.365(1)(x), F.S.: \$150 fine.

(i) Failure to provide satisfaction including the costs incurred following within 45 days of receipt of the Department's notification of a check dishonored for insufficient funds under Section 468.365(1)(l), F.S.: \$150 fine.

(j) Failure to pay required fees and/or fines in a timely manner under Section 468.365(1)(i), F.S.: \$150 fine.

(3) No change.

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

(5) No change.

(6) The Department of Health shall periodically at the end of each calendar quarter, submit a report to the Board regarding the number and nature of the citations issued, the penalties imposed, and the level of compliance, containing the name of the licensee, the violation, and the fine imposed, and the number of licensees who elected to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077 FS. Law Implemented 456.072(3), 456.077 FS. History--New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended 1-6-02,

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Notice of Noncompliance  
 RULE NO.: 64B32-5.008  
 PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Notice of Noncompliance.

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

LAW IMPLEMENTED: 120.695, 456.073(3) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.008 Notice of Noncompliance.

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

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

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

Specific Authority 120.695, 456.073(3), 486.025 FS. Law Implemented 120.695, 456.073(3) FS. History--New

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Procedures for Approval of Attendance

RULE NO.: 64B32-6.004

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

SUBJECT AREA TO BE ADDRESSED: Procedures for Approval of Attendance at Continuing Education Courses.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) Attendance at offerings that are approved by:

1. through 3. No change.

(b) Attendance at all offerings that are conducted by institutions approved by the Committee on Accreditation For Respiratory Care (CoARC) Joint Review Committee for Respiratory Therapy Education (JRCTE);

(c) No change.

(d) Successful completion of the following certification classes, up to a maximum total of 16 hours per biennium:

1. Advanced cardiac life support;

2. Neonatal resuscitation program;

3. Pediatric advanced life support.

(e)(d) Successful completion of the following recertification classes, up to a maximum total of 8 hours per biennium;

1. through 3. No change.

(f)(e) Successful passage, one time per biennium, of the following recertifying examinations given by the National Board for Respiratory Care (NBRC):

1. through 2. No change.

3. Certified Respiratory Therapist Recertifying Therapy Technician Entry Examination - maximum of 3 hours;

4. through 5. No change.

(g)(f) No change.

(3) through (4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History--New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and

RULE CHAPTER NO.: 68B-4

Prohibited Gear

68B-4

RULE TITLES: Gear Definitions

RULE NOS.: 68B-4.002

Boca Grande Pass Gear Restrictions

68B-4.018

PURPOSE AND EFFECT: The purpose of this rule development effort, in conjunction with the proposed repeal of Rule 68B-32.005, F.A.C., is to replace provisions governing the tarpon fishery in Boca Grande Pass during the months of April through June each year with generic gear restrictions that would apply to anyone fishing in the pass during that time regardless of the target species. The principle feature of the new restrictions is the prohibition of the use of breakaway gear in Boca Grande Pass. The effect of this effort will be to reduce the amount of non-degradable material deposited on the floor of the pass and to reduce user conflicts among all anglers there. SUBJECT AREA TO BE ADDRESSED: Gear restrictions in Boca Grande Pass.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.



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

Pursuant to the provisions of the 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-4.002 Gear Definitions.

(1) "Breakaway gear" means any bob, float, weight, lure, or spoon that is affixed to a fishing line or hook with wire, line, rubber bands, plastic ties, or other fasteners designed to break off when a fish is caught.

(1) through (17) renumbered (2) through (18) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History--New 1-1-89, Amended 11-26-92, 1-1-97, 4-27-98, Formerly 46-4.002, Amended 12-2-99.

68B-4.018 Boca Grande Pass Gear Restrictions.

(1) BOCA GRANDE PASS – For purposes of the restrictions specified in subsections (2) and (3), Boca Grande Pass shall consist of all waters located within the following boundaries:

Begin at the westernmost edge of the Phosphate Dock (26° 43.216' North Latitude, 82° 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 (26° 43.216' North Latitude, 82° 14.703' West Longitude); thence proceed in a southerly direction to the #75 Intracoastal Waterway Marker (26° 42.299' North Latitude, 82° 14.580' West Longitude) on the northeast bay side of Cayo Costa; thence proceed around the northern tip of Cayo Costa along the shore to the QR test buoy (26° 42.002' North Latitude, 82° 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 (26° 42.336' North Latitude, 82° 16.748' West Longitude) marking the entrance to Boca Grande Pass; thence proceed northeast on a straight line to the easternmost edge of the concrete pier ruins (26° 43.165' North Latitude, 82° 15.778' West Longitude) at the lighthouse beach on the southwest Gulf side of Gasparilla Island; thence proceed along the shore around the southern tip of Gasparilla Island to the Phosphate Dock, the point of beginning.

(2) A maximum of three fishing lines may be deployed from a vessel at any one time in Boca Grande Pass during the months of April, May, and June.

(3) The catching or taking of any fish in or from Boca Grande Pass by or with the use of breakaway gear is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE TITLES: RULE NOS.:

Actively Engaged in Business; Place Suitably Designated; Accessible to Public 69B-221.051

Notice of Change of Address 69B-221.060

PURPOSE AND EFFECT: The purposes of the proposed rule development are to define "full-time" employment for temporary bail bond agents and set forth the minimum number of hours per week that the employer must allow the bond agent to work; to adopt a form for notification of changes of address by bail bond agents; to revise requirements pertaining to the suitability of agent offices; and to make corrections to citations to the laws being implemented.

SUBJECT AREA TO BE ADDRESSED: Regulation of bail bond agents.

SPECIFIC AUTHORITY: 648.26 FS.

LAW IMPLEMENTED: 626.318(2), 648.25, 648.33, 648.34, 648.355, 648.36, 648.365, 649.387, 648.421, 648.44(6), 648.48 FS.

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

TIME AND DATE: 1:30 p.m., March 30, 2004

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Jerry Whitmore, (850)413-5600.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jerry Whitmore, Chief, Bureau of Agent and Agency Investigations, Division of Insurance Agents and Agency Services, Department of Financial Services, 200 E. Gaines Street, Room 416, Larson Building, Tallahassee, FL 32399-0320, (850)413-5600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-221.051 Actively Engaged in Business; Place Suitably Designated; Accessible to Public.

Every bail bond agent must be actively engaged in the bail bond business; in a building suitably designated as a bail bond agency, which must be maintained open and accessible to the public to render service during reasonable business hours.

(1) No change.

(2) Each bail bond agency and each branch office shall have ~~an a separate and distinct~~ entrance easily accessible to the public and used by the bail bond agent in the regular course of their business dealings with the public. As used in this rule, "accessible to the public" means ~~(The entrance shall be suitably designated by a sign or other display, readable from a reasonable distance, which provides at a minimum the agency name and the name of every individually licensed bail bond agent, and temporary bail bond agent employed at that agency location.~~ Additionally, if a bail bond agency is located in a building which maintains a uniform office directory on its premises, the directory shall provide at a minimum the current name of that bail bond agency.

(3) No change.

(4)(a) A temporary bail bond agent must be employed ~~at least 30 hours per week, which is considered working~~ full-time and shall be physically accompanied by the supervising bail bond agent or bail bond agent from the same agency as required by Sections 648.25(9) and 648.355(8), Florida Statutes. As used in this rule, the term "full-time" means that the temporary bail bond agent must work at least 1,540 hours during 12 months of employment as a temporary bail bond agent. This will result in an average of slightly less than 30 hours per week. Each employer of a temporary bail bond agent must provide the temporary bail bond agent the opportunity to work at least 30 hours a week during the period of employment and may allow the temporary bail bond agent to work more than 30 hours per week.

(b) through (c) No change.

Specific Authority 648.26, 648.355(1)(e) FS. Law Implemented 648.25, 648.34, 648.355, 648.387 648.44(6) FS. History—Repromulgated 12-24-74, Amended 7-27-78, 12-23-82, Formerly 4-1.04, 4-1.004, Amended 4-14-97, 7-2-98, 1-22-03,\_\_\_\_\_.

69B-221.060 Notice of Change of Address.

Each licensee under Chapter 648, Florida Statutes, shall notify in writing the Department of ~~Insurance~~ Financial Services, Bail Bond Section, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0320, insurer, managing general agent and the clerks of each court in which they are registered, of a change of each business address, telephone number, or name of each agency or firm for which they write bonds within ten (10) working days of such change. Each licensee shall use Form DFS-H2-1564, entitled "Bail Bondsman Notice of Change of Address," which is hereby incorporated and adopted

by reference, to comply with the notice requirements of this rule. This form may be obtained from the address listed above or from the Department's website: www.fldfs.com.

Specific Authority 648.26 FS. Law Implemented 648.421 FS. History—New 12-23-82, Formerly 4-1.17, Amended 9-10-91, Formerly 4-1.017, Amended 4-14-97, 1-22-03,\_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Workers' Compensation Claims	69L-3
RULE TITLES:	RULE NOS.:
Purpose	69L-3.001
Definitions	69L-3.002
Procedures for Filing Documents	69L-3.003
Electronic Filing of Worker's Compensation Claims Forms	69L-3.0033
First Report of Injury or Illness: Employer's Responsibility to Record and Report Accidents	69L-3.004
First Report of Injury or Illness: Claims-handling Entity's Responsibility to Record and Report Accidents	69L-3.0045
Wage Statement: Employer's and Claims-handling Entity's Responsibility to Record and Report Wages	69L-3.0046
Fraud Statements	69L-3.0047
Funeral Expense Bills	69L-3.0085
Notice of Action / Change	69L-3.0091
Notice of Denial	69L-3.012
Claim Cost Report	69L-3.016
Wage Loss Benefits Due to Permanent Impairment (Dates of Accident August 1, 1979 through December 31, 1993)	69L-3.018
Wage Loss Benefits (Date of Accident August 1, 1979 through December 31, 1993)	69L-3.019
Temporary disability Benefits (Dates of Accident January 1, 1994 through September 30, 2003)	69L-3.0191
Temporary Disability Benefits (Dates of Accident on or After October 1, 2003)	69L-3.01915
Impairment Income Benefits (Dates of Accidents January 1, 1994 through September 30, 2003)	69L-3.0192
Impairment Income Benefits (Dates of Accident on or After, October 1, 2003)	69L-3.01925
Supplemental Income Benefits (Dates of Accident January 1, 1994 through September 30, 2003)	69L-3.0193
Permanent Total and Permanent Total Supplemental Benefits for Dates of Accident Prior to October 1, 2003	69L-3.0194

Permanent Total and Permanent Total Supplemental Benefits for Dates of Accident on or after October 1, 2003	69L-3.01945
Permanent Total and Permanent Total Supplemental Benefits Forms	69L-3.0195
Additional Income Source Reports	69L-3.021
Monthly Risk Class/SIC Code Report	69L-3.0212
Aggregate Claims Administration Change Report	69L-3.0213
Aggregate Defense Attorney Fee Report Forms	69L-3.0214
	69L-3.025

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

SUBJECT AREA TO BE ADDRESSED: New filing requirements and revised claim forms regarding workers' compensation claims.

SPECIFIC AUTHORITY: 440.105(7), 440.14, 440.14(5), 440.15, 440.15(1)(f)2., 440.15(2), 440.15(2)(d), 440.15(3)(b), 440.15(3)(f), 440.15(4), 440.15(4)(e), 440.185, 440.185(2), 440.185(4), 440.185(5), 440.185(9), 440.185(10), 440.19, 440.20, 440.20(3), 440.20(15)(f), 440.207(2), 440.345, 440.35, 440.38(2), 440.38(5), 440.38(6), 440.41, (1993), 440.51(8), 440.51(9), 440.591, 440.593 FS.

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

IF REQUESTED 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 22, 2004  
 PLACE: Homewood Suites, Capital Ballroom, 2987 Apalachee Parkway, 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: Fred Becknell, Insurance

Administrator, Bureau of Monitoring and Audit, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-4224, (850)413-1763

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-3.001 Purpose.

The purpose of this rule chapter is to establish the responsibilities of the employer and insurer to record and report workers' compensation accident information under Section 440, F.S., including the filing of claim forms with the Division, and explanatory letters to other affected parties. If an insurer contracts with another entity to handle claims on its behalf, the practices of the claims-handling entity in fulfilling the responsibilities under this chapter shall be deemed the practices of the insurer for the purposes of assessing penalties and fines against the insurer. These rules are intended to ensure the accurate and timely payment of compensation to the employee.

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

69L-3.002 Definitions.

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

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

(2) "~~Claims-handling Entity~~" ~~means any insurer, third-party administrator, servicing company, self-serviced self-insured employer or fund, or managing general agent, Claim Administrator as defined in Rule 69L-56, F.A.C., and includes all claims office locations that will be responsible for adjusting and submitting workers' compensation claims to the Division. "Carrier" unless otherwise indicated, includes self-insured employers, group self-insured funds, local governmental workers' compensation insured pools, commercial self-insured funds and stock companies, and mutual companies, exchanges and associations authorized to provide workers' compensation coverage in this state. Carrier includes every individual, insurer, company, association, organization, society reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, solicitor, service representative, adjuster, and every legal entity which is engaged as indemnitor, surety, or contractor in the business of entering into contracts~~

whereby one undertakes to indemnify another of pay or allows a specified amount or a determinable benefit upon determinable contingencies:

(3) “Class Code” means the 4 digit code assigned by the National Council on Compensation Insurance (NCCI) for the particular occupation of the injured employee as it exists in the NCCI Scopes <sup>TM</sup>Manual 2004 Edition which is hereby incorporated by reference. A listing of Class Codes may be obtained by contacting NCCI’s Customer Service Center at (800)622-4123. “Carrier Code #” means the internal audit number which the Division assigns each individual insurance carrier, self-insured employer, or self-insured fund upon receipt of notification to write or administer workers’ compensation insurance in Florida. The carrier must include the correct carrier code # on every claims form promulgated under this chapter. A service company, adjusting company, or third party administrator servicing a claim for a self-insured employer or self insurance fund must include both the carrier code # and the Service Co/TPA Code # on any form promulgated under this chapter.

(4) “Carrier File #” means the internal identification number assigned to a file by a carrier. The carrier must include the carrier file number where required on any form promulgated under this chapter.

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

(6) “Compensation Rate” means 66 2/3% of the employee’s average weekly wage pursuant to s. 440.14, F.S., as calculated by the carrier, as ordered by a Judge of Compensation Claims, or to which the parties have stipulated.

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

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

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

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

(7)(11) “Document” means any notice, form, report, or electronic data submission which shall must be submitted to the Division under this chapter or which the Division requests in connection with any matter covered by this chapter.

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

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

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

(15) “Fraud Statement” means the notice, which must be included on all claim forms pursuant to ss. 440.105(8),(7); 440.185(4), F.S.

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

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

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

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

~~(15)~~(19) “Medical Only to Lost Time Case” means a work injury or illness, which initially did not result in disability ~~cause a loss of more than 7 calendar seven days of work~~ but later resulted in a disability loss of more than (7) calendar seven days of work. Medical only to lost time cases shall include medical only cases in which Impairment Income Benefits are paid based on obtaining Maximum Medical Improvement with a Permanent Impairment Rating greater than zero (0)% and settlement only cases involving payment of indemnity benefits. Medical only to lost time cases shall include medical only cases in which Impairment Income Benefits are paid and settlement only cases involving payment of indemnity benefits.

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

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

(18)~~(20)~~ “Overall Maximum Medical Improvement” means the date of maximum medical improvement associated with the impairment rating to the body as a whole, based upon reports issued by certifying doctors stating the impairment rating to the body as a whole and on which maximum medical improvement has been achieved with respect to all compensable medical or psychiatric conditions caused by a compensable injury or disease.

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

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

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

(20)~~(24)~~ “Salary Continued in Lieu of Compensation” means the monies an employer paid the employee as salary, wage, or other remuneration equaling at least the compensation

rate for a period of disability for which the insurer ~~carrier~~ would have otherwise been obligated to pay compensation benefits.

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

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

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

~~(24)~~(27) “Service Co/TPA Code #” means the internal audit number assigned by the Division to a service company, adjusting company, managing general agent or third party administrator. ~~Any form promulgated under this chapter and filed by a service company, adjusting company, or third party administrator must include the correct Service Co/TPA Code #.~~

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

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

#### 69L-3.003 Procedures for Filing Documents.

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

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

~~(2)(3) Instructions on or pertaining to forms, which are promulgated under this chapter, are also rules under this chapter and forms shall be completed in accordance with such instructions. When forms are reproduced, they shall be reproduced in their entirety, including instructions. Forms must be completed according to instructions. Entities completing forms must include the Division assigned Carrier or Service Co/TPA Code #, where required.~~

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

~~(a) The employee's name.~~

~~(b) The employee's social security number. If the employee does not have a social security number because the employee is an alien, the claims-handling entity carrier shall instead use the number on the employee's Arrival and Departure card (Form I94) or Alien Registration Receipt card (Form I151). If the carrier is unable to ascertain the numbers, it shall contact send a written request to the Information Management Unit of the Division at the address in subsection (1), by phone at (850)413-1607, or via information provided on the following website: <http://www.flD.F.S.com/WC/> to obtain a temporary internal file number until the social security number one of the above identifying numbers is obtained. Upon receipt of the employee's actual social security number, the claims-handling entity shall file Form DFS-F2-DWC-4, with the Division in accordance with Rule 69L-3.0091, F.A.C.~~

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

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

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

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

~~(g) The name, address and telephone number of the claims-handling entity. When a "Service Co/TPA" is adjusting claims for another insurer, the name, address and telephone number of the "Service Co/TPA" in addition to the name of the insurer shall be provided. The telephone number provided shall enable a caller to readily contact the office handling the claim. The Division shall return to the carrier any document on which the appropriate identification does not appear and shall notify the carrier of its error or omission. The carrier shall make the correction and resubmit the document to the Division. The~~

~~filing date of the document is the date the Division receives the corrected document. If the carrier reports an incorrect employee name, social security number or date of accident, it shall send an Form DWC-4 or electronic alternative, pursuant to Rule 69L-3.0091(16), F.A.C. All subsequent filings must reflect the corrected information.~~

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

~~(5) The claims-handling entity shall supply to employees copies of Form DFS-F2-DWC-40, for dates of accident January 1, 1994 through September 30, 2003, and Form DFS-F2-DWC-3, for dates of accident prior to January 1, 1994. The name of the insurer and the claims-handling entity's name, address, and telephone number shall be preprinted or pre-stamped on form.~~

~~(6) All Computer-generated versions of any form promulgated under this rule shall must appear in substantial conformity with the printed form in design, layout, field size, and content and contain all data elements required by the promulgated form. Computer generated forms must contain all data elements required by the form. If the Division finds that a the computer-generated form is not substantially the same as sufficiently similar to the promulgated printed form, if it fails to contain all data elements, or if it is unclear or confusing, the Division will return the form and to the carrier and notify the carrier of the deficiency. The the claims-handling entity carrier shall make the correction, include a revised "Sent to Division Date" and resubmit a corrected form to the Division. The document will be considered completed and in compliance with this section when the corrected document is resent to the Division. The filing date of the form is the date the Division receives the corrected form.~~

~~(7) A carrier wishing to use alternative electronic reporting methods, or to alter any existing approved alternative electronic reporting methods, must submit a written proposal to the Director of the Division of Workers' Compensation, who will review the proposal to ensure compliance with applicable statutes and rules, and compatibility with the Division's systems. The Director shall inform the carrier in writing of the~~

Division's determination. After the carrier has received written approval of its proposal, it may send documents to the Division according to the method set out in its proposal.

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

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

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

### 69L-3.0033 Electronic Filing of Workers' Compensation Claims Forms.

Claim forms may be alternatively reported to the Division using Electronic Data Interchange (EDI) standards adopted by the Division pursuant to Section 440.593, F.S., and in accordance with Rule 69L-56, F.A.C.

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

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

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

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

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

(b) For a medical only case, lost time case, or death case, the employer shall complete Form DFS-F2-DWC-1, or report the information regarding the injury or illness by other means as provided by the claims-handling entity either:

1. Form DWC-1, First Report of Injury or Illness;

~~2. An approved alternative electronic data reporting method.~~

(2) An employer shall report information concerning an industrial injury or disease to its claims-handling entity carrier as follows:

(a) First Reports of Injury or Illness:

1. An employer shall report all cases, except first aid cases, to its claims-handling entity carrier within 7 seven days after ~~the employer's~~ knowledge of an industrial injury or disease. ~~The employer may inform the carrier either by telephone, by electronic medium, or by completing and submitting Form DWC-1.~~ The employer shall not delay reporting the injury or illness to the claims-handling entity ~~submitting the Form DWC-1~~ because the employee's signature is unavailable.

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

3. When an employer submits to its claims-handling entity carrier Form DFS-F2-DWC-1, the employer ~~is~~ shall provide a copy of the form to the employee or the employee's estate. If the information required ~~by~~ ~~in~~ Form DFS-F2-DWC-1 is reported to the claims-handling entity carrier by other means ~~telephone or electronic medium~~, the claims-handling entity carrier shall provide ~~mail~~ the employee and the employer a completed Form DFS-F2-DWC-1, paper version of an approved First Report of Injury or Illness, within three (3) business days. An approved First Report of Injury or Illness is an Form DWC-1, or an ACCORD 4 form, also known as Form IA-1, if the carrier is approved to electronically submit First Reports of Injury or Illness to the Division. Form IA-1 may be sent to the employee and employer, if the claims-handling entity has been approved by the Division to electronically send the first report of injury information required in Rule 69L-3.004, F.A.C.

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

~~32399-4222 4227.~~ The telephone number for purposes of reporting death cases is (800)219-8953, (850)413-1611 (850)922-8953 or by facsimile at (850)922-0024.

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

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

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

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

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

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

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

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

1. Employee's name;
2. Social security number or other identifying number pursuant to paragraph 69L-3.003(3)(b), F.A.C.;
3. Employee's address;
4. Employee's telephone number;
5. Date (mm/dd/ccyy) and time of accident;
6. Occupation of the employee;

7. Location of the accident;

8. Description of the accident, including the cause and nature of the injury, and part(s) of the body affected.

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

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

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

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

3. The name, address and telephone number of the claims-handling entity. When a "Service Co/TPA" is adjusting claims for another insurer, the name, address and telephone number of the "Service Co/TPA" in addition to the name of the insurer shall be given. The telephone number provided shall enable a caller to readily contact the office handling the claim.

4. "Claims-handling entity File #".

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

a. "Denied Case":

i. Total Denial: Form DFS-F2-DWC-12 shall be filed with the Division at the same time pursuant to Rule 69L-3.012, F.A.C.

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

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

i. Delayed disability cases: The fields for First Date of Disability, Date First Payment Mailed, AWW, Comp Rate, Employee's 8th Day of Disability, the Claims-Handling Entity's Knowledge of the 8th Day of Disability and the type of initial benefit paid shall be provided except as indicated in sub-subparagraph 69L-3-0045(1)(d)5.d., F.A.C.



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

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

c. "Lost Time Cases": The First Date of Disability, Date First Payment Mailed, AWW, Comp Rate, Employee's 8th Day of Disability, the Claims-Handling Entity's Knowledge of the 8th Day of Disability and the type of initial benefit paid shall be provided except as indicated in sub-subparagraph 69L-3-0045(1)(d)5.d., F.A.C.

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

i. If the employee is receiving salary in lieu of compensation beyond the first 7 days of disability, the Date First Payment Mailed is not required. The Salary End Date is required if the employer paid for 7 days or less.

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

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

2. Provide the "1st day of disability". If Box 2 is marked, all information required with regard to Box 3 must also be completed.

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

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

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

(e)(f) The claims-handling entity shall carrier must report to the Division the risk class code of every Employee's Class Code based on the National Council on Compensation Insurance (NCCI) classification system (Scopes Manual), and the North American Industrial Classification System (NAICS) Standard Industrial Classification Code of the every employer, for whom it files an Form DWC-1. The information shall be reported in one of the following ways: on Form DFS-F2-DWC-1 if the information is available at the time of filing with the Division. If either code is not available at time of filing, this information shall be filed on Form DFS-F2-DWC-4 pursuant to subsection 69L-3.0091(10), F.A.C.

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

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

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

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

1. Number of Days Disabled as of Date First Payment Mailed,

2. Penalty Amount Paid in 1st Payment and

3. The Interest Amount Paid in 1st Payment.

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

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

1. Initial lost time cases;

2. Death cases with or without dependents;

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

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

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

1. Medical only to lost time cases, delayed disability;

2. Cases involving multiple periods of disability;

3. Cases in which the employer continued salary in lieu of compensation;

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

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

(d) When the initial payment of indemnity results from an agreement or order for indemnity benefits, and a Form DFS-F2-DWC-1 was not previously filed, the claims-handling

entity shall send to the Division a completed Form DFS-F2-DWC-1 within 14 days after the date the payment was made.

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

(f) For partially denied cases where the claims-handling entity denied only indemnity benefits and is paying medical benefits to the injured worker, the claims-handling entity shall send to the Division completed Forms DFS-F2-DWC-1 and DFS-F2-DWC-12 within 14 days of its knowledge of the injury or illness.

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

~~(b) Lost Time and Death Cases:~~

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

~~2. If the carrier amends Form DWC-1a, the carrier shall send a copy of the amended form to the employer and the employee. The carrier shall send the form to the Division only if requested by the Division.~~

~~(e) Medical Only to Lost Time Cases: If a case originally reported as a medical only case under paragraph (2)(a) later involves the loss of more than seven days of work as a result of the industrial injury or illness, the carrier shall send Form DWC-1 to the Division within 14 days of its knowledge of the change in status of the case.~~

~~(d) Denied Lost Time Cases: The carrier shall report all lost time claims which it denies in entirety to the Division by sending Forms DWC-1 and DWC-12, Notice of Denial, within 14 days after receiving either Form DWC-1 or a Petition for Benefits. The carrier shall also send the employer and the employee a copy of the Form DWC-12 which it sends to the Division.~~

~~(3) If the employee was employed by more than one employer at the time of the injury, the carrier shall complete the top portion of Form DWC-1a before sending it to the employee to obtain the concurrent wage information.~~

Specific Authority 440.14(5), 440.185(2),(5),(9), 440.20(3), 440.207(2), 440.51(8),(9), 440.591 FS. Law Implemented 440.12, 440.185(2),(5),(9), 440.20(2)(a), 440.20(6), 440.41 FS. History--New 4-11-90, Amended 1-30-91, 11-8-94, 12-5-96, Formerly 38F-3.0045, 4L-3.0045, Amended \_\_\_\_\_.

69L-3.0046 Wage Statements: Employer's and Claims-handling Entity's Responsibility to Record and Report Wages.

(1) Employer's responsibility: The employer shall report wage information to the claims-handling entity on Form DFS-F2-DWC-1a, pursuant to Section 440.14, F.S. The employer shall provide all required wage information within 21 days of the knowledge of every injury or illness.

(2) Claims-handling entity's responsibility:

(a) The claims-handling entity shall compare Forms DFS-F2-DWC-1 and DFS-F2-DWC-1a to confirm that the employee name, social security number or other identifying information, and the date of injury on the two forms are consistent.

(b) For earnings of concurrent employment, the claims-handling entity shall inform the injured worker of the responsibility of providing the claims-handling entity with any concurrent wage information. The claims-handling entity shall provide a blank copy of Form DFS-F2-DWC-1a within 3 days of notification of the injury, in order for the injured worker to timely provide any concurrent wage information.

Specific Authority 440.14, 440.185(5), 440.591 FS. Law Implemented 440.12(2), 440.185(5),(9) FS. History--New \_\_\_\_\_.

69L-3.0047 Fraud Statement.

The claims-handling entity shall obtain the signature of the injured employee or any other party making a claim, attesting that they have reviewed, understand and acknowledge the fraud statement as specified in Section 440.105(7), F.S. A request for the signature of the injured worker or other party making a claim shall be made by the claims-handling entity if the signature is not provided when the claim is made. The claims-handling entity shall include a statement that within 21 days of receipt of the request, the failure to provide the signature stating the understanding of the fraud statement could result in the suspension of all benefits until the signature is obtained.

Specific Authority 440.105(7), 440.591 FS. Law Implemented 440.105(7) FS. History--New \_\_\_\_\_.

69L-3.0085 Funeral Expense Bills.

Specific Authority 440.591 FS. Law Implemented 440.16, 440.20(2) FS. History--Formerly 38F-3.15, New 10-30-79, Amended 11-5-81, Formerly 38F-3.085, Amended 4-11-90, 1-30-91, 11-8-94, Formerly 38F-3.0085, Repealed \_\_\_\_\_.

69L-3.0091 Notice of Action/Change.

The claims-handling entity shall send Form DFS-F2-DWC-4, to the Division as specified in this section for any industrial accident or injury filed for lost time cases as defined in subsection 69L-3.0045(2), F.A.C., within 14 days of claims-handler knowledge or the action or change which it is reporting, whichever is later. The claims-handling entity shall send to the employee and the employer a letter instead of Form

DFS-F2-DWC-4, explaining each action or change required by this section within 14 days of claims-handler knowledge or the action or change which it is reporting to the Division.

(1) The claims-handling entity shall use the following codes to identify a particular disability type on Form DFS-F2-DWC-4, where it shall indicate "Indemnity Reinstated After Suspension" or "Benefit Type Adjusted." DISABILITY TYPES:

(a) TT means temporary total disability benefits.

(b) TTC means increased temporary total disability benefits payable at 80% of the average weekly wage.

(c) TTE means additional temporary total compensation paid during training and education.

(d) TP means temporary partial disability benefits.

(e) PI means permanent impairment benefits for dates of accident prior to 1/1/94.

(f) IB means impairment income benefits paid pursuant to Section 440.15(3)(a)3., F.S. (1994) for dates of accident on or after January 1, 1994.

(g) WL means wage loss benefits for dates of accident prior to January 1, 1994.

(h) SB means supplemental income benefits paid pursuant to Section 440.15(3)(b), F.S. (1994) for dates of accident on or after January 1, 1994 through September 30, 2003.

(i) PT means permanent total disability benefits.

(j) DB means death benefits.

~~(1) The carrier shall send to the Division, with copies to the employer, employee, legal counsel if represented, and dependents of the deceased employee and their legal counsel, Form DWC 4, within 14 days of the action or change which it is reporting.~~

~~(2) The carrier is not required to send Form DWC 4, Notice of Action/Change, if indemnity benefits have never been paid with respect to an industrial accident or injury.~~

~~(3) If a carrier initially denies a case and later rescinds its denial, the carrier shall complete and send Form DWC 4 in addition to Form DWC-12. The carrier shall report the "initial indemnity started effective date" on Form DWC 4 as the date disability began. The carrier shall also state the indemnity disability type, the average weekly wage, and the compensation rate.~~

~~(4) The carrier shall use the following codes to identify a particular disability type on Form DWC 4, where the carrier must indicate "initial indemnity started" or "indemnity reinstated after suspension":~~

~~DISABILITY TYPES:~~

~~(a) TT means temporary total disability benefits.~~

~~(b) TTC means increased temporary total disability benefits payable at 80% of the average weekly wage.~~

~~(c) TTE means additional temporary total compensation paid during training and education.~~

~~(d) TP means temporary partial disability benefits.~~

~~(e) PI means permanent impairment benefits for dates of accident prior to 1/1/94.~~

~~(f) IB means impairment income benefits paid pursuant to s. 440.15(3)(a)3., F.S. (1994) for dates of accident on or after 1/1/94.~~

~~(g) WL means wage loss benefits for dates of accident prior to 1/1/94.~~

~~(h) SB means supplemental income benefits paid pursuant to s. 440.15(3)(b), F.S. (1994) for dates of accident on or after 1/1/94.~~

~~(i) PT means permanent total disability benefits.~~

~~(j) DB means death benefits.~~

~~(2)(5) The carrier shall send Form DWC 4 when the carrier suspends payment of all indemnity benefits and does not intend to continue the benefits under another disability type. If the claims-handling entity carrier suspends benefits for any of the reasons stated in paragraphs (a)-(h) below, the claims-handling entity carrier shall send the Division Form DFS-F2-DWC-4, and not Form DFS-F2-DWC-12. The claims-handling entity shall carrier must state the effective date of the suspension and the applicable suspension reason code. The effective date of the suspension shall be the last date through which benefits were entitled to be paid. The following codes shall be used to identify the reason for which all indemnity benefits have been suspended:~~

~~(a) S1 means returned to work, or medically determined or qualified to return to work. All indemnity benefits have been suspended because the employee has returned to work, or has been medically released to return to work, and the claims-handling entity carrier does not anticipate paying further indemnity benefits of any kind.~~

~~(b) S2 means medical noncompliance. The employee failed to report for an independent medical examination pursuant to Section s. 440.13(5)(d), F.S., (1994), or failed to report for an evaluation by an expert medical advisor appointed by a Judge of Compensation Claims JCC pursuant to Section s. 440.13(9)(c), F.S. (1994).~~

~~(c) S3 means administrative noncompliance. The employee has failed to comply with one or more of the following statutory sections and any applicable rules:~~

~~1. Section s. 440.15(1)(e)3., F.S. (1994) – employee in PT status failed to attend vocational evaluation or testing.~~

~~2. Section s. 440.15(1)(f)2.b., F.S. (1994) – employee in PT status failed to report or apply for social security benefits.~~

~~3. Section s. 440.15(2)(d), F.S. (1994) – employee in TT status failed or refused to complete and return the Form DFS-F2-DWC-19.~~

~~4. Section s. 440.15 (6), (7), F.S. (2003 +1994) – employee refused suitable employment.~~

5.6. Section s- 440.15(9)(10), F.S. (2003 1994) – employee failed or refused to sign and return the release for social security benefits earnings on the Form DFS-F2-DWC-14, or unemployment compensation earnings on Form DFS-F2-DWC-30.

5. s. 440.15 (8), F.S. (1994).

6. Section 440.491(6)(b), F.S. (2003) – employee failed or refused to accept vocational training or education.

7. Section 440.15(4)(d), F.S. (2003) – employee in TP status failed to notify the claims-handling entity of the establishment of earnings capacity within 5 business days of returning to work.

8. Section 440.105(7), F.S., (2003) – means the employee refuses to sign and return the fraud statement.

(d) S4 means employee claimant death. ~~The carrier has suspended all indemnity benefits because of the employee's death, whether or not the death is compensable.~~ This code is used if there are no known or confirmed dependents to whom death benefits must be paid or ~~because if~~ the death was not compensable.

(e) S5 means incarceration. The employee has become an inmate of a public institution and compensation benefits have been suspended because there are no known or confirmed dependents.

(f) S6 means employee's claimant's whereabouts unknown. The claims-handling entity's carrier's good faith repeated attempts to locate and send compensation checks to the employee have been unsuccessful; or the employee has no known address, representative or guardian to whom the claims-handling entity carrier can send compensation checks; or compensation checks have been returned to claims-handling entity carrier indicating that the employee has moved, with the address unknown, or does not reside not at that address.

(g) S7 means benefits exhausted, or entitlement to benefits exhausted, due to statutory limits. The employee is no longer eligible for or entitled to any indemnity benefits.

(h) S8 means jurisdiction change. The employee elects to receive workers' compensation benefits under another state's law, or the claims-handling entity carrier determines the claim is compensable under the Federal Employer's Liability Act, the Longshoremen's and Harbor Workers' Compensation Act, or the Jones Act.

(3)(6) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it reinstates indemnity benefits after a suspension. It shall must state the effective date of the reinstatement and the disability type of disability benefits being reinstated.

~~(7) The carrier shall send Form DWC-4 when the employee has resumed work, or has been medically released to return to work. The date the employee resumed work is the employee's "actual return to work date." The date the employee's medical release states that the employee may~~

~~resume work is the employee's "released to return to work date." The carrier must indicate whether the employee was given any physical restrictions.~~

(4)(8) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when a Judge of Compensation Claims enters a compensation order final indemnity settlement has been, or a joint stipulation has been approved signed by all parties pursuant to s. 440.20(11), F.S. It shall must state the date the final indemnity settlement check was mailed or delivered to the employee or the employee's legal counsel, if represented was paid. The date the settlement was paid shall not be reported as earlier than the date the settlement was actually approved.

(5)(9)(a) When the claims-handling entity is paying benefits to the employee based on the assignment of maximum medical improvement date and a permanent impairment rating to the body as a whole, a Form DFS-F2-DWC-4 shall be filed. If multiple ratings are assigned, a Form DFS-F2-DWC-4 shall be filed based on the latest maximum medical improvement date and the cumulative permanent impairment rating to the body as a whole. The carrier shall send Form DWC-4 when the employee has reached overall maximum medical improvement or has been given a permanent impairment rating. It must state the date the employee reached overall maximum medical improvement and the percentage of permanent impairment on which it will calculate payment of wage loss benefits, permanent impairment benefits, or impairment income benefits.

(b) The claims-handling entity shall send a letter to the employee and employer advising them of the following information:

1. The effective date on which impairment income benefits will commence;
2. The rate at which the benefits will be paid;
3. The maximum medical improvement date;
4. Permanent impairment rating to the body as a whole;
5. Total number of weeks of entitlement; and
6. The employee's responsibility for the co-pay of medical treatment after obtaining overall maximum medical improvement.

(6)(10) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 to report the date of the employee's death, whether or not the death is considered compensable.

(7)(a) If the claims-handling entity electronically submits Form DFS-F2-DWC-1 to the Division, it shall also send at the same time as specified in Rule 69L-24.0231, F.A.C. for sending Form DFS-F2-DWC-1, Form DFS-F2-DWC-4 or its electronic equivalent to report the following information for cases where the first 7 days of disability are non-continuous or delayed (medical only to lost time):

1. Employee's 8th Day of Disability; and
2. Claims-Handling Entity's Knowledge of the 8th Day of Disability.

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

1. Number of Days Disabled as of Date First Payment Mailed;

2. Penalty Amount Paid in 1st Payment; and

3. Interest Amount Paid in 1st Payment.

~~(11) The carrier shall send Form DWC 4 when it pays permanent impairment benefits for dates of injury that occurred prior to 1/1/94. It must state the date the permanent impairment benefits are paid.~~

~~(12) The carrier shall send Form DWC 4 when it begins payment of impairment income benefits for dates of injury on and after 1/1/94. It must state the date the impairment income benefits were started, the weekly rate at which the benefits will be paid, and the total number of weeks the employee is entitled to the benefits.~~

~~(8)(13) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it amends either the employee's average weekly wage or the compensation rate. It shall state the previous average weekly wage and previous compensation rate and the amended average weekly wage and amended compensation rate. It shall also indicate if the average weekly wage change was retroactive to the date of injury, and if not, the date on which the new average weekly wage was effective.~~

~~(9)(14)(a) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 if when the employee is accepted or adjudicated as permanently and totally disabled. The following information, when applicable, shall be provided:~~

~~1. It shall include Tthe date on which the employee was accepted or adjudicated as permanently and totally disabled.~~

~~2. The effective date of the rate change in permanent total supplemental benefits, including the effective date for annual rate increases payment rate, as well as to report annual changes in this rate.~~

~~3. It shall also send this form to report Tthe new weekly rate at which permanent total supplemental benefits will be paid, corresponding to the rate change, including the annual rate increases are being paid and.~~

(b) If the employee's permanent total supplemental benefits are suspended because the employee has reached age 62 and is eligible for Social Security benefits, then the claims-handling entity carrier will reports \$0 as the permanent total supplemental rate. The effective date is the date on which permanent total supplemental benefits will no longer be paid.

~~(10)(15) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it adjusts or offsets the employee's weekly compensation rate. It shall include the Benefit Adjustment Type code, Disability Type code, the weekly amount by which the employee's payment is being reduced, and the date the offset or adjustment is effective. If the offset or adjustment is temporary, the claims-handling entity~~

~~carrier shall send Form DFS-F2-DWC-4 when it resumes payment at the former rate to report the date the adjustment ends.~~

~~(a) If the claims-handling entity carrier sends Form DFS-F2-DWC-4 to report a change in the employee's weekly compensation rate due to a social security offset, it shall must send a completed Form DFS-F2-DWC-14 when it submits Form DFS-F2-DWC-4.~~

~~(b) The following codes shall be used to show that the rate of pay has been adjusted due to the corresponding reason(s), or that the rate of pay has been offset because of the below reason(s): BENEFIT ADJUSTMENT CODES:~~

~~1. "A" means apportionment or contribution. The weekly benefit amount has been reduced for shared or partial liability(s).~~

~~2. "B" means subrogation or third party offset. The weekly benefit amount has been reduced for recovery from third party tortfeasor pursuant to Section s. 440.39(2), F.S. (1994).~~

~~3. "C" means overpayment credit. The weekly benefit amount has been reduced for benefits paid but not owed, pursuant to Section s. 440.15(13), F.S. (1994).~~

~~4. "H" means child support or alimony reduction. The weekly benefit amount has been reduced for income deduction orders, pursuant to Section s. 61.1301, F.S.~~

~~5. "N" means medical noncompliance offset. The weekly benefit amount has been reduced because the employee has failed to accept training and education pursuant to Section s. 440.491(6)(b), F.S., or the employee has failed to timely cancel an independent medical examination pursuant to Section s. 440.13(5)(d), F.S. (1994).~~

~~6. "P" means advance recoupment. The weekly benefit amount has been reduced for reimbursement of benefit payments advanced pursuant to Section s. 440.20(13), F.S.~~

~~7. "R" means social security retirement offset. The weekly benefit amount has been reduced for retirement benefits paid under the Federal Old Age, Survivors, and Disability Insurance Act, pursuant to Section s. 440.15(10), F.S.~~

~~8. "S" means social security disability offset. The weekly benefit amount has been reduced for disability benefits paid under the Federal Old Age, Survivors, and Disability Insurance Act, pursuant to Section s. 440.15(10), F.S.~~

~~9. "U" means unemployment compensation offset. The weekly benefit amount has been reduced for unemployment compensation benefits, pursuant to Section s. 440.15(10)(11), F.S.~~

~~10. "V" means safety violation offset. The weekly benefit amount has been reduced for safety violation(s) pursuant to Section s. 440.09(5), F.S.~~

~~11. "X" means death or dependent change. The weekly benefit amount has been adjusted because of a change in number or kind of dependents entitled to death benefits pursuant to Section s. 440.16, F.S.~~

(c) For permanent and total cases only, if the claims-handling entity is taking an offset based on the DCA opinion in the "Grice" case (*Grice vs. Escambia County Sheriff's Department*, 658 So. 2d 1208, 1211-12 (Fla. 1st DCA 1995)), it shall indicate "Y" for yes in the Benefit Adjustment section on Form DFS-F2-DWC-4.

~~(11)(16) The claims-handling entity carrier shall send Form DFS-F2-DWC-4, or the electronic equivalent, to report a correction in the employee's social security number, date of accident, name, or the claims-handling entity carrier or servicing company handling the case. When reporting corrections to the employee's name, social security number, or date of accident, the claims-handling entity carrier shall include the original (incorrect) information at the top of the form, and the corrected (new) information in the "Changes or Corrections" corrections of section. When reporting a change in the employer liable for compensation, the carrier of the employer which has become liable for compensation shall send this form, and additionally state the name and address of the employer now liable for compensation in the "remarks" section. The claims-handling entity shall report these changes only for lost time cases as defined in subsections 69L-3.002(12) and (14), F.A.C.~~

(12) The claims-handling entity shall send Form DFS-F2-DWC-4 to report or change the class code of the employee or the employer's NAICS code.

~~(17) The carrier may send Form DWC 4 to report or change information on risk class code, SIC code or Carrier/Service Company, or it may use other forms as provided in this chapter.~~

Specific Authority 440.591, 440.185, 440.20(3) FS. Law Implemented 440.15(3)(d)2, 440.185, 440.20, 440.207(2), 440.51(8),(9) FS. History—New 1-30-91, Amended 11-8-94. Formerly 38F-3.0091, 4L-3.0091, Amended

69L-3.012 Notice of Denial.

(1) ~~Whenever the claims-handling entity denies carrier disputes the employee's entitlement to any benefits, or subsequently rescinds that denial, it shall send a letter to the employee, employer and the party requesting payment or authorization. The letter shall be mailed within 3 days of the date the claims-handling entity decided to deny or rescind the denial of benefits complete Form DWC-12, and send copies of the form to the parties. It shall send the Form DWC-12 form to the Division only when required by this rule. The letter shall contain the following minimum information:~~

~~(a) Identification as either a total or partial denial;~~

~~(b) The date the denial was rescinded, if applicable;~~

~~(c) The specific benefit(s) being denied, reinstated or started;~~

~~(d) The reason(s) for denial;~~

~~(e) The adjuster's name and telephone number;~~

~~(f) The claims-handling entity's file number;~~

(g) The statement: "If you need further assistance, please contact the Florida Department of Financial Services, Division of Workers' Compensation, Employee Assistance and Ombudsman Office toll free at 1(800)342-1741".

(2) If the claims-handling entity carrier initially denies the compensability of or coverage for a lost time case, it shall send Form DFS-F2-DWC-12 to the Division within 14 days after the notification carrier receives notice of the injury, illness or death. The claims-handling entity carrier shall also mark the "Case Denied" box "Box 1" on Form DFS-F2-DWC-1 and send it with Form DFS-F2-DWC-12, pursuant to sub-subparagraph 69L-3.0045(1)(d)5.a.1.(e)±, F.A.C.

(3) When the claims-handling entity denies any subsequent indemnity benefit on a lost time case, it shall send Form DFS-F2-DWC-12. The Form DFS-F2-DWC-12 shall be sent to the Division within 14 days of the claims-handling entity's knowledge of the requested benefit being denied.

(a) If the carrier initiates payment of indemnity benefits without prejudice and without admitting liability pursuant to s.440.20(4), F.S., but denies benefits within 120 days after the initial provision of indemnity benefits, it shall send Form DWC-12 to the Division, claimant, employer, and other interested parties within 14 days after cessation of benefits and shall set forth the reasons for the denial on Form DWC-12.

(b) If the carrier initiates payment of indemnity benefits without prejudice but denies compensability after 120 days after the initial provision of indemnity benefits, the carrier shall send Form DWC-12, to the Division, claimant, employer, and other interested parties within 14 days after cessation of benefits and shall set forth the reasons for the denial on Form DWC-12.

(4) If a Petition for Benefits is the claims-handling entity's first notification of an injury and the claims-handling entity denies the case in its entirety, it shall send Forms DFS-F2-DWC-12 and DFS-F2-DWC-1 to the Division within 14 days of claims-handling entity's receipt of the Petition. Within 14 days after it receives by certified mail a Petition for Benefits, the carrier must either pay the requested benefits or send Form DWC-12 to the Division. The carrier must also send copies of Form DWC-12 by certified mail to the party filing the Petition for Benefits, the employer, and the claimant. If an individual self insured employer acts as its own servicing agent, it need not send the employer's copy. Only those benefits requested in the petition that are being denied should be responded to on Form DWC-12. Benefits requested in the petition that are not in dispute and that have or will be paid by the carrier should be responded to in a separate letter, which shall be mailed to the party filing the petition for benefits, the employer, and the claimant.

(5) When the claims-handling entity has previously denied any indemnity benefits for a lost time case and has sent Form DFS-F2-DWC-12 to the Division, and then commences the payment of indemnity benefits, it shall send Form

DFS-F2-DWC-12 with the denial rescinded section completed. The "Date Denial Rescinded" is the date the claims-handling entity decided to rescind the denial. The Form DFS-F2-DWC-12 shall be sent to the Division within 14 days of the date that the denial was rescinded.

~~(a) If the carrier has denied benefits for a lost time case and has sent Form DWC-12 to the Division, and then voluntarily commences the payment of indemnity benefits or is ordered to pay indemnity benefits, it shall send a copy of the original Form DWC-12 with the "Date Denial Rescinded" section completed, within 14 days after it commences payment. The "Date Prepared" shall be corrected to reflect the date the rescinded Form DWC-12 was completed. The date that payments commence shall be stated in the "Date Denial Rescinded" section.~~

~~(b) The carrier must also send Form DWC-4 and indicate as the "effective date" the date disability began. It shall indicate the employee's average weekly wage in the section for "previous average weekly wage." It shall indicate the employee's compensation rate in the section for "previous comp rate."~~

(6) When an employee requests wage loss benefits for dates of accident August 1, 1979, through December 31, 1993, by sending Form DFS-F2-DWC-3 to the claims-handling entity carrier, and the wage loss calculation yields an amount of benefits payable, but the claims-handling entity carrier denies or disputes the employee's eligibility for those benefits, the claims-handling entity carrier shall, within ~~fourteen~~ (14) days of receipt of the Form DFS-F2-DWC-3 form:

~~(a) Send to the Division the following: Form DWC-3, completed by the employee and the carrier; Form DWC-12; and a copy of any information or document relating to the employee's job search.~~

1. Form DFS-F2-DWC-3, completed by the employee and the claims-handling entity,

2. Form DFS-F2-DWC-12; and

3. A copy of any information or document relating to the employee's job search.

~~(b) Send to the employee the following: copies of the Forms DWC-3 and a DWC-12, which it sent to the Division.~~

1. Copies of the Forms DFS-F2-DWC-3 and

2. A letter explaining the denial of the benefits.

(7) When an employee files a Statement of Quarterly Earnings for Supplemental Income Benefits for Dates of Accident January 1, 1994, through September 30, 2003, Form DFS-F2-DWC-40, and the supplemental income benefit calculation yields an amount of benefits payable, but the claims-handling entity carrier denies or disputes the employee's eligibility for those benefits, the claims-handling entity carrier shall, within 14 days of receipt of the form:

~~(a) Send to the Division the following: Form DWC-40, completed by the employee and the carrier, and Form DWC-12.~~

1. Form DFS-F2-DWC-40, completed by the employee and the claims-handling entity, and

2. Form DFS-F2-DWC-12.

~~(b) Send to the employee the following: copies of the Forms DWC-40 and a DWC-12, which it sent to the Division.~~

1. Copies of the Forms DFS-F2-DWC-40 and

2. A letter explaining the denial of the benefits.

Specific Authority 440.591, 440.20(3), 440.20(15)(f) FS. Law Implemented 440.12(2), 440.14, 440.20(2)(4), 440.192(8), 440.20(9), 440.20(15)(f), 440.207(2) FS. History--New 10-30-79, Amended 11-5-81, 5-30-82, 6-12-84, Formerly 38F-3.12, Amended 4-11-90, 1-30-91, 11-8-94, Formerly 38F-3.012, 4L-3.012, Amended \_\_\_\_\_.

69L-3.016 Claim Cost Report.

(1) The claims-handling entity carrier shall send Form DFS-F2-DWC-13, to the Division for only in the following cases:

(a) Lost time cases as defined in subsection 69L-3.002(13), F.A.C. This includes lost time cases in which no indemnity benefits have been paid. Cases in which the carrier has paid indemnity benefits, including benefits pursuant to a lump sum settlement.

(b) Lost time cases in which the employee has received salary in lieu of compensation for 8 or more days of disability. Cases in which the employee has received salary in lieu of compensation.

(c) Cases in which the only indemnity benefits paid were for impairment income benefits, a lump sum settlement or a final settlement.

(2) The claims-handling entity carrier shall send Form DFS-F2-DWC-13, to the Division at the following times:

(a) Initial Claim Cost Report: The Form DFS-F2-DWC-13 shall reflect all cumulative claim costs paid within the first 6 months of the date of accident. This report shall be sent within 30 days after the 6 month anniversary of the date of accident. The initial claim cost report shall not be sent prior to the 6 month anniversary unless the case is closed. The claims-handling entity shall indicate the type of report as "Initial Report Summarizing First Six Months." Six months after the date of accident, if any indemnity benefits have been paid within that time. The carrier shall indicate that this is the "initial report summarizing first six months." If the case became a lost time case after 6 or more months from the date of accident, the carrier shall submit Form DWC-13 within 30 days after the anniversary date of the accident. The carrier shall indicate that this is an initial report.

1. If the case status changed to lost time after the 6 month anniversary of the date of accident, the claims-handling entity shall submit Form DFS-F2-DWC-13, in accordance with paragraph 69L-3.016(2)(b), F.A.C. Additionally, the claims-handling entity shall indicate that this is an initial and annual report.

2. If the case is closed within 6 months of the date of accident, the claims-handling entity shall submit Form DFS-F2-DWC-13 and indicate that this is an initial and final report.

(b) Annual Claim Cost Report: The Form DFS-F2-DWC-13 shall reflect all cumulative claim costs paid on the case since the date of accident. The Form DFS-F2-DWC-13 shall be sent to the Division within ~~Within~~ 30 days after each annual anniversary of the date of accident for all open cases ~~which the carrier considers to be open~~. The claims-handling entity ~~carrier~~ shall indicate the type of report ~~as that this is an "Annual Report On Open Case."~~ This filing shall not occur prior to the anniversary date of the date of accident unless the case is closed.

(c) Final Claim Cost Report:

1. The Form DFS-F2-DWC-13 shall reflect all cumulative claim costs paid on the case since the date of accident. The form shall be sent within 30 days after the annual anniversary of the date of accident for lost time cases closed since the last required filing of the Form DFS-F2-DWC-13. The claims-handling entity may send the Final Form DFS-F2-DWC-13 prior to the anniversary date if it considers a case to be closed with respect to medical and indemnity benefits. The claims-handling entity shall indicate the type of report as a "Final Report-Case Closed – No Activity In Past Year Or Case Settled."

2. After filing a Final Claim Cost Report, if the claims-handling entity makes a subsequent payment for any category of benefits required to be reported on Form DFS-F2-DWC-13, the claims-handling entity shall send an amended Final Form DFS-F2-DWC-13 within 30 days after the anniversary of the date of accident in accordance with paragraph 69L-3.016(2)(d), F.A.C.

~~30 days after the anniversary of the date of accident, for all cases in which no payments which must be reported on Form DWC-13 have been made in the previous year, or if the carrier considers a case to be closed with respect to medical and indemnity benefits. The carrier shall indicate that this is a "Final Report Case Closed." After having sent a final report, the carrier is not required to send a subsequent Form DWC-13 unless a payment for any category of benefits reported on Form DWC-13 is made subsequent to sending a "Final Report—Case Closed." The carrier shall report those payments by sending a Form DWC-13 within 30 days after the anniversary of the date of accident. The carrier shall indicate that this is a "final report/case closed."~~

(d) Amended Claim Cost Report: If the claims-handling entity determines that the previously filed Form DFS-F2-DWC-13 was misreported or incorrect, it shall file an amended claim cost report to make the corrections within 30 days of the claims-handling entity's determination. The

claims-handling entity shall indicate the report type by marking the appropriate box and include the word "Amended" in the "Type of Report" section on the Form DFS-F2-DWC-13.

(3) The claims-handling entity ~~carrier~~ shall complete Form DFS-F2-DWC-13 for all lost time cases ~~dates of accident~~, and shall include the following information, where applicable:

(a) The type of report being sent.

(b) The exact average weekly wage and compensation rate as of the date the report is sent, in dollars and cents.

(c) The "Salary End Date" for employees who receive salary in lieu of compensation for any period after the date of accident. ~~The "Salary End Date" is the date through which the employer continued salary in lieu of compensation. However, When if the employer pays continues to pay salary in lieu of compensation through the time the form is sent, the claims-handling entity shall~~ ~~carrier must~~ mark the "Salary Continued In Lieu of Compensation for Any Period of Time" box "Yes" and leave the "Salary End Date" blank.

(d) The number of weeks and days for which a particular indemnity benefit was paid, except for statutory permanent impairment and wage loss benefits for dates of accident prior to January 1, 1994 ~~1/1/94~~. Indemnity benefits are payable only for entire days and not fractions thereof.

(e) The exact cumulative total amount, in dollars and cents, of all benefits paid up to the date the form is sent, including amounts reported on previous Forms DFS-F2-DWC-13 forms.

(f) The cumulative total of any recoveries the claims-handling entity ~~carrier~~ has obtained up to the filing of the form, except for recovery of overpayments. Totals entered as "paid to date" in Columns I and II are not reduced for recoveries, except for recovery of overpayment. Recovery of a deductible amount chargeable to an employer is reported in "all other recoveries except overpayments."

(g) The amount of money for indemnity and medical benefits settled and paid in a lump sum, or the amount ~~of money~~ paid to an employee as a lump sum settlement for medical benefits only, and the "Date Paid" for either settlement type. This latter settlement amount ~~shall must~~ be reported only for lost time cases on Form DFS-F2-DWC-13 as "Medical Settlement Amt.". For multiple settlements, the cumulative amount of the settlements and the latest settlement date shall be reported. Medical benefits may be the subject of a lump sum settlement regardless of the employee's date of injury. The date paid means the date the final indemnity settlement check was mailed or delivered to the employee or the employee's legal counsel, if represented.

(h) In the event that claims are transferred from one claims-handling entity to another, the insurer shall provide cumulative totals for all applicable data elements on Form DFS-F2-DWC-13 on every transferred case to the acquiring claims-handling entity. All subsequent reporting on Form DFS-F2-DWC-13 shall include all historical data.



Specific Authority 440.591, 440.185 FS. Law Implemented 440.185, 440.51(6) FS. History—New 10-30-79, Amended 11-5-81, Formerly 38F-3.16, Amended 4-11-90, 1-30-91, 11-8-94, Formerly 38F-3.016, 4L-3.016, Amended \_\_\_\_\_.

69L-3.018 Wage Loss Benefits Due to Permanent Impairment (Dates of Accident August 1, 1979 through December 31, 1993).

(1) Employee's Responsibilities. During any ~~two~~ 2 week period in which wage loss due to permanent impairment is suffered, the employee shall file a ~~an~~ Form DFS-F2-DWC-3, Request for Wage Loss/Temporary Partial Benefits, with the claims-handling entity carrier within 14 days ~~of the end of that period~~. The employee shall complete the "Employee" portion of the Form DFS-F2-DWC-3 and the employee shall also fill out the back of the Form DFS-F2-DWC-3 thereby furnishing the claims-handling entity carrier a "work search report" for the period during which wage loss benefits are claimed, including the name, address, telephone number, and person contacted at each business where the claimant applied for work during the period for which wage loss benefits are being claimed, the date the claimant applied for work at each business, and a description of the type of work or the specific job for which the claimant applied at each. The listing should also include any contacts with a public or private employment agency and the dates of such contacts. The employee shall sign and date the form with the signature authorizing the release of social security information and Unemployment Compensation wage and benefits information. The employee shall send the completed Form DFS-F2-DWC-3 to the claims-handling entity carrier. A Form DFS-F2-DWC-3 form without an original signature of the injured employee shall not be processed for payment by the claims-handling entity carrier.

(2) Claims-handling entity's carrier's Responsibilities.

(a) Within ~~five~~ (5) working days of its first knowledge of the date of maximum medical improvement, the claims-handling entity carrier shall send to the employee an informational letter which explains the employee's possible eligibility for wage loss benefits, together with at least ~~four~~ (4) copies of the Form DFS-F2-DWC-3, Request for Wage Loss/Temporary Partial Benefits. The letter to the employee must contain at least the following information:

"Your treating physician has reported that you have reached maximum medical improvement and you may return to work but that you have a permanent impairment which has resulted in a work-related physical restriction which may affect your ability to perform the duties of your usual occupation or other appropriate employment. If this physical restriction causes you to lose wages, you may be entitled to additional benefit payments under the Florida Workers' Compensation Law.

If you lose wages, you must complete and send a REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS Form form (DFS-F2-DWC-3) to us within 14 days after the end of any ~~two~~ 2 week period for which a loss of wages is

claimed. If you fail to send the completed form within that 14-day period, you may be ineligible for wage loss benefits during that period.

In addition, to be eligible for wage loss benefits, you must demonstrate that you have made a valid effort to obtain suitable gainful employment and that your loss of wages is due to your work related physical restriction and NOT due to economic conditions, the unavailability of jobs, your unemployment due to misconduct or your failure to accept employment within your capabilities.

To show that you have made a genuine effort to obtain employment, list the dates, names, addresses, type of work, person contacted and the telephone number of the places of employment that you have contacted on the reverse side of the REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS form. You should also list the dates you make contact with ~~the Florida Job Service Office and any other~~ public or private employment agency.

Please note that the Florida Workers' Compensation Law allows us to evaluate your efforts to obtain gainful employment beginning with the 13th week after you have reached maximum medical improvement. If it can be shown that there are actual job openings within your geographical area and which are within your physical and vocational capabilities, the amount of earning you could have earned at those jobs can be deducted from your benefit payment.

Enclosed are REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS forms for your use. Keep them with your other valuable documents until you either use them or your entitlement to these benefits expires. We are also reporting your permanent impairment to the Division of Workers' Compensation in Tallahassee.

If you desire further information regarding wage loss benefits, you may call the Employee Assistance and Ombudsman Office of the Division of Workers' Compensation at any of their local offices, or at 1(800)342-1741."

(b) The claims-handling entity carrier shall date stamp the Form DFS-F2-DWC-3 upon receipt and within 14 days of receipt of the Form DFS-F2-DWC-3 from the employee, the claims-handling entity carrier shall complete calculation of benefits due, make any payments due, and send copies of the completed form to the employee and the employer. The claims-handling entity carrier shall also send the employee a blank Form DFS-F2-DWC-3. If the claims-handling entity carrier is denying wage loss benefits, the claims-handling entity carrier shall indicate in the claims-handling entity carrier processing section of the Form DFS-F2-DWC-3 that wage loss benefits are being denied, complete a ~~an~~ Form DFS-F2-DWC-12, Notice of Denial and send both forms to the employee, employer, legal counsel, and the Division within 14 days of the claims-handling entity's carrier's receipt of Form DFS-F2-DWC-3.

(3) Calculation of Wage Loss Benefits. The first calendar week of eligibility for wage loss benefits may be a partial week since eligibility begins on the date of maximum medical improvement. All other weeks of eligibility shall be full calendar weeks. To determine the amount of wage loss benefits due for a partial week: divide the pre-injury average weekly wage by the number of days employed per week, multiply by the number of days from date of maximum medical improvement through the last working day of that calendar week, multiply by 85% if the date of accident is before July 1, 1990, or by 80% if the date of accident is July 1, 1990 or later, insert the resulting figure on the Form DFS-F2-DWC-3 in the box labeled "ADJ. WW," and complete the calculations shown on that form.

Specific Authority 440.591, 440.15(3)(b), 440.185(4),(10), 440.41 FS. (1993), Law Implemented 440.15(3), 440.185(4),(10) FS. (1993) History—New 10-30-79, Amended 11-5-81, 5-30-82, 6-12-84, Formerly 38F-3.18, Amended 4-11-90, 1-30-91, 11-8-94, 11-11-96, Formerly 38F-3.018, 4L-3.018, Amended \_\_\_\_\_.

69L-3.019 Wage Loss Benefits for Temporary Partial Disability (Dates of Accident August 1, 1979 through December 31, 1993)

(1) Employee's Responsibilities. During any ~~two~~ 2 week period in which wage loss for temporary partial disability is suffered, the employee shall file a Form DFS-F2-DWC-3, Request for Wage Loss/Temporary Partial Benefits, with the claims-handling entity carrier within 14 days. The employee shall complete the "Employee" portion of the Form DFS-F2-DWC-3 and the employee shall also fill out the back of the Form DFS-F2-DWC-3 thereby furnishing the claims-handling entity carrier a "work search report" for the period for which temporary partial wage loss benefits are claimed, including the name, address, telephone number, and person contacted at each business where the claimant applied for work during the period for which temporary partial wage loss benefits are being claimed, the date the claimant applied for work at each business, and a description of the type of work or the specific job for which the claimant applied at each. The listing should also include any contacts with a public or private employment agency and the dates of such contacts. The employee shall sign and date the form with the signature authorizing the release of Social Security information and Unemployment Compensation wage and benefit information. The employee shall file the completed Form DFS-F2-DWC-3 with the claims-handling entity carrier. A Form DFS-F2-DWC-3 form without an original signature of the injured employee shall not be processed for payment by the claims-handling entity carrier.

(2) Claims-handling entity's carrier's Responsibilities.

(a) Within ~~five~~(5) working days of its first knowledge of the date of temporary partial disability, the claims-handling entity carrier shall mail to the employee an informational letter which explains the employee's eligibility for temporary partial wage loss benefits, together with at least four (4) copies of the

Form DFS-F2-DWC-3, Request for Wage Loss/Temporary Partial Benefits. The letter to the employee must at least contain the following information:

"Your treating physician has reported that you may return to limited duty work with some temporary physical restrictions. Your temporary total disability benefits have been suspended but you may be entitled to additional benefit payments under the Florida Workers' Compensation Law. If you lose wages, you must complete and send a REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS Form form (DFS-F2-DWC-3) to us within 14 days after the end of any two-week period for which a loss of wages is claimed. If you fail to send the completed form within that 14-day period, you may be ineligible for temporary partial wage loss benefits during that period. In addition, to be eligible for temporary partial wage loss benefits, you must demonstrate that you have made a valid effort to obtain suitable gainful employment and that your loss of wages is due to your work related physical restriction and NOT due to economic conditions, the unavailability of jobs, your unemployment due to misconduct or your failure to accept employment within your capabilities.

To show that you have made a genuine effort to obtain employment, list the dates, names, addresses, type of work, person contacted and the telephone number of the places of employment that you have contacted on the reverse side of the REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS form. You should also list the dates you make contact with ~~the Florida Job Service Office and any other~~ public or private employment agency.

Please note that the Florida Workers' Compensation Law allows us to evaluate your efforts to obtain gainful employment beginning with the 13th week after you have received the first payment of a temporary partial wage loss benefit. If it can be shown that there are actual job openings within your geographical area and which are within your physical and vocational capabilities, the amount of earnings you could have earned at those jobs can be deducted from your benefit payment.

Enclosed are REQUEST FOR WAGE LOSS/TEMPORARY PARTIAL BENEFITS forms for your use. Keep them with your other valuable documents until you either use them or your entitlement to these benefits expires. We are also reporting your status to the Division of Workers' Compensation in Tallahassee.

If you desire further information regarding Wage Loss benefits, you may call the Employee Assistance and Ombudsman Office (EAO) of the Division of Workers' Compensation at any of their local offices, or at 1(800)342-1741."

(b) The claims-handling entity carrier shall date stamp the Form DFS-F2-DWC-3 upon receipt and within 14 days of receipt of the Form DFS-F2-DWC-3 from the employee, the claims-handling entity carrier shall complete calculation of benefits due, make any payments due, and send copies of the

completed form to the employee and the employer. The claims-handling entity carrier shall also send the employee a blank Form DFS-F2-DWC-3. If the claims-handling entity carrier is denying wage loss benefits for temporary partial disability, the claims-handling entity carrier shall indicate in the claims-handling entity carrier section of the Form DFS-F2-DWC-3 that wage loss benefits are being denied, complete a ~~an~~ Form DFS-F2-DWC-12, Notice of Denial, and send both forms to the employee, employer, legal counsel, and the Division within 14 days of the claims-handling entity's carrier's receipt of Form DFS-F2-DWC-3.

(3) Calculation of Temporary Partial Wage Loss Benefits. The first calendar week of eligibility for temporary partial wage loss benefits may be a partial week since eligibility begins on the date of claimant's release to return to light duty work. All other weeks of eligibility shall be full calendar weeks. To determine the amount of benefits due for a partial week, divide the pre-injury average weekly wage by the number of days employed per week, multiply by the number of days from date of release to return to light duty work through the last working day of that calendar week, multiply by 85% if the date of accident is before July 1, 1990 or by 80% if the date of accident is July 1, 1990 or later, insert the resulting figure on Form DFS-F2-DWC-3 in the box labeled "ADJ.WW," and complete the calculations shown on that form.

Specific Authority 440.591, 440.15(4)(~~c~~)(a), 440.185(4)(10), 440.41 FS. (1993) Law Implemented 440.15(4)(b), 440.185(4)(10), 440.20 FS. (1993) History—New 10-30-79, Amended 11-5-81, Formerly 38F-3.19, Amended 4-11-90, 1-30-91, 11-8-94, 11-11-96, Formerly 38F-3.019, 4L-3.019, Amended \_\_\_\_\_.

69L-3.0191 Temporary Disability Benefits (Dates of Accident ~~on or After~~ January 1, 1994 through September 30, 2003).

(1) Temporary disability benefits include temporary total and temporary partial disability benefits and are payable for a maximum of 104 weeks. An employee's eligibility for temporary disability benefits ceases after the employee has received 104 weeks of temporary total disability benefits paid pursuant to Section ~~§~~ 440.15(2)(a), F.S., or after the employee has received 104 weeks of temporary partial disability benefits paid pursuant to Section ~~§~~ 440.15(4), F.S., or after the employee has received 104 weeks of any combination of these two benefits.

(2) An employee is eligible for temporary partial disability benefits if the employee has received a medical release to return to work, is unable to earn at least 80% of the employee's pre-injury average weekly wage, has not reached maximum medical improvement, and has not received payment for 104 weeks of temporary total or temporary partial disability benefits or any combination of the aforementioned benefits. The Division does not require an employee to request temporary partial disability benefits by filing a form promulgated by the Division. The claims-handling entity

carrier shall not require the employee to demonstrate eligibility for temporary partial disability benefits by submitting documentation indicating the employee has looked for work.

(3) Within five (5) days of its knowledge that the employee has been released to return to work, unless the employee's eligibility for temporary partial disability benefits has expired, the claims-handling entity carrier shall mail to the employee an informational letter which explains the employee's eligibility for temporary partial disability benefits. The letter must advise the employee about the employee's obligation to report, at the claims-handling entity's carrier's request using Form DFS-F2-DWC-19, the employee's receipt of any and all of the following: salary, wages, unemployment compensation benefits, or Social Security benefits. The letter to the employee must contain at least the following information:

"Your doctor has said that you are able to return to work, but you have not reached maximum medical improvement from your injury (maximum medical improvement is the date after which a doctor says you will not get any better from your injury). You are eligible for temporary partial disability benefits if you cannot make at least 80% of the wages you were making at the time of your accident after the doctor says you can return to work. These benefits will continue until one of the following happens:

(a) Your doctor says you have reached maximum medical improvement from your injury; or

(b) You have received 104 weeks of either temporary total or temporary partial disability benefits, or both combined; or

(c) You are making 80% or more of the wages you were making at the time of your accident.

If you earn wages after the doctor says you can return to work, you must immediately contact this office and give us the name of your employer and the amount of money you are making. If you stop making at least 80% of the wages you were making at the time of your accident, you should also contact this office immediately. If you receive unemployment compensation benefits or Social Security benefits, you must immediately contact this office and tell us what kind of benefits you are getting and the amount of those benefits. If the form "Employee Earnings Report" (Form DFS-F2-DWC-19) was sent with this letter, you must fill it out, sign it and return it within 21 days after you received it. You may be asked to fill out one of these forms once a month. If you do not fill out, sign and return the form, your compensation benefits may be stopped until you return the form. If you turn down an offer of a job that you can do, your compensation benefits may be stopped. For more information about temporary partial disability benefits, please call the Employee Assistance and Ombudsman Office (EAO) of the Division of Workers' Compensation at any of its local offices listed in your

“Important Workers’ Compensation Information For Florida Workers” “Employee’s Rights” brochure, or at 1(800)342-1741.”

(4) The claims-handling entity carrier shall continue to investigate an employee’s status so as to determine the amount of temporary partial disability benefits for which an employee is eligible, and to ensure the timely payment of those benefits.

(5)(a) The first installment of temporary partial disability benefits is due no later than 14 days after the date the employee’s medical release states that the employee may resume work. The claims-handling entity carrier shall contact the employer for whom the employee worked at the time of the accident to ascertain if the employee has returned or will be returning to work for that employer.

(b) If the accident employer is holding open the employee’s pre-injury job and the employee anticipates returning to that job after reaching maximum medical improvement, the claims-handling entity carrier shall pay temporary partial disability benefits to the employee as if the employee has \$0 earnings.

(c) If the employee has not and will not be returning to work for the accident employer, the claims-handling entity carrier shall mail to the employee the informational letter and Form DFS-F2-DWC-19, and attempt to contact the employee to ascertain if the employee has obtained other employment. The claims-handling entity carrier shall begin to pay temporary partial disability benefits as if the employee has \$0 earnings, subject to receipt of the employee’s completed Form DFS-F2-DWC-19 or other confirmation of actual earnings.

(d) At any time the claims-handling entity carrier is unable to confirm reemployment with the employee or is unable to obtain earnings information from the employee’s present employer or employers, the claims-handling entity carrier shall calculate benefits based on the last wage information submitted or obtained, and continue to pay temporary partial disability benefits, subject to the employee’s timely return of Form DFS-F2-DWC-19. If the employee does not timely return Form DFS-F2-DWC-19, the claims-handling entity carrier may then suspend payment of the employee’s temporary partial disability benefits.

(6) The first installment of temporary partial disability benefits is due no later than 14 days after the date the employee’s medical release states that the employee may return to work. In order for the claims-handling entity carrier to more readily make the weekly wage comparison, the first week of temporary partial disability benefits may be paid as a partial week, so that remaining weeks can coincide with the employee’s actual post injury pay periods. To determine the amount of benefits due for a partial week: divide the pre-injury average weekly wage by the number of days employed per week; multiply by the number of days from date of release to

return to light duty work through the last working day of that calendar week; multiply by 80% ~~percent~~; subtract any weekly earnings; and multiply the remainder by 80% ~~percent~~.

(7) The payment period for temporary partial disability benefits is bi-weekly. Other than the first and last weeks of temporary partial disability benefits, benefits shall be calculated on the basis of full calendar weeks. The claims-handling entity’s carrier’s payment of temporary partial disability benefits for any biweekly period is due no later than the last date of that bi-weekly period.

(8) Temporary partial disability benefits shall be calculated by the 80%-80% formula pursuant to Section s- 440.15(4)(a), F.S., even if the employee’s earnings are \$0. This benefit is subject to the maximum compensation rate as defined by Section s- 440.12, F.S.

(9) The claims-handling entity carrier may require information from the employee concerning the employee’s receipt of wages, unemployment compensation benefits, or Social Security benefits by sending the employee a copy of Form DFS-F2-DWC-19, pursuant to Sections ss- 440.15(8), (10) and (11), F.S. claims-handling entity carrier may not require the employee to submit a Form DFS-F2-DWC-19 more often than once a month. If the employee does not mail the completed form to the claims-handling entity carrier within 21 days after the employee’s receipt of Form DFS-F2-DWC-19, the claims-handling entity carrier may suspend temporary partial compensation benefits until it receives the form. If wage information obtained after a period for which temporary partial benefits have already been paid shows that the benefit amount paid for a week was more than that to which the employee was entitled, the claims-handling entity carrier may obtain repayment through a credit against subsequent benefits. The claims-handling entity carrier may also obtain repayment of any overpayment of temporary partial disability benefits caused by the employee’s receipt of unemployment benefits or social security benefits. If the employee is receiving Social Security benefits, the claims-handling entity carrier shall request the employee to complete and return Form DFS-F2-DWC-14, ~~Request for Social Security Information~~. Until Form DFS-F2-DWC-14 has been completed and returned to the claims-handling entity carrier by the Social Security Administration, the claims-handling entity carrier may not obtain repayment of those benefits. Repayment of all indemnity benefits is subject to the limitations of Section s- 440.15(13), F.S.

Specific Authority 440.15(2)(d),(4)(a), 440.185(4),(5), 440.20(3), 440.591 FS. Law Implemented 440.15(2),(4), 440.185(4),(5), 440.20(3) FS. History—New 11-8-94, Formerly 38F-3.0191, 4L-3.0191, Amended \_\_\_\_\_.

69L-3.01915 Temporary Partial Disability Benefits (Dates of Accident on or After October 1, 2003).

(1) Employee's eligibility.

(a) Pursuant to Section 440.15(4), F.S., the employee is eligible for temporary partial disability benefits if the employee has met all of the following requirements:

1. Has received a medical release to return to work with restrictions.

2. Is unable to earn at least 80% of the employee's pre-injury average weekly wage.

3. Has not reached maximum medical improvement, and

4. Has not received payment for 104 weeks of temporary total or temporary partial disability benefits or any combination of the aforementioned benefits.

(b) The claims-handling entity shall not require the employee to demonstrate eligibility for temporary partial disability benefits by submitting documentation indicating the employee has looked for work.

(2) Letter requirement – The claims-handling entity shall mail an informational letter to the employee within 5 days of its knowledge that the employee has been released to return to work with restrictions. This letter shall explain the employee's eligibility for temporary partial disability benefits and their obligation to report earnings. These earnings would include the receipt of any of the following: salary, wages, unemployment compensation benefits, or Social Security benefits. The letter to the employee must contain at least the following information:

"Your doctor has released you to return to work, but because of your work-related accident, you have been given restrictions on the type of work you can now do. Because you have not reached maximum medical improvement (the date after which your doctor says your injury will probably not get better), you may continue receiving workers' compensation benefits approximately every two weeks if you are not able to earn at least 80% of the weekly wages you were making before your injury.

These benefits, called Temporary Partial Disability benefits, will be paid until:

(a) You reach maximum medical improvement or can return to work without restrictions; or

(b) You receive the maximum of 104 weeks allowed by law for either Temporary Total Disability benefits or Temporary Partial Disability benefits, or 104 weeks for both benefits combined; or

(c) You earn 80% or more of the weekly wages you were making at the time of your accident.

IMPORTANT: Temporary Partial Disability benefits may be stopped if:

1. You do not notify this office within five (5) business days after you return to work; or

2. You are not working due to your own misconduct on the job; or

3. You turn down work you are capable of doing; or

4. You do not return, if requested, Form DFS-F2-DWC-19, "Employees Earning Report" to this claims office within 21 days after you receive it and report the receipt of any earnings, including Unemployment Compensation or Social Security benefits. You may be asked to complete, sign, and return this form once a month.

You are to notify this office immediately if you stop making at least 80% of your pre-injury weekly wages. However, if you leave your job without just cause as determined by a judge, your temporary partial disability benefits will be paid based on the amount of money you would have earned had you not left work.

For more information about temporary partial disability benefits, please call the Employee Assistance Office (EAO) with the Division of Workers' Compensation at any of its local offices listed in your "Important Workers' Compensation Information For Florida Workers" brochure, or at 1(800)342-1741."

(4) Calculations and payment of temporary partial disability benefits:

Temporary partial disability benefits shall be calculated using the 80%-80% formula pursuant to Section 440.15(4)(a), F.S., even when the employee's earnings are \$0. Temporary partial benefits calculated for any given week are subject to the maximum weekly compensation rate as defined by Section 440.12, F.S. The claims-handling entity shall continuously investigate an employee's post-injury earnings, including contacting the current employer, to determine the amount of temporary partial disability benefits for which the employee is entitled, and to ensure the timely payment of those benefits.

(a) No post-injury earnings – If there are no earnings because the employer can not accommodate the employee's restrictions, the first installment of temporary partial disability benefits is due no later than 14 days after the date the employee's medical release states that the employee may resume work. The claims-handling entity shall pay temporary partial disability benefits to the employee based on \$0 earnings. Subsequent payments of temporary partial disability benefits for any biweekly period is due no later than the last day of that biweekly period as long as the employee continues to be eligible.

(b) Post-injury earnings.

1. If re-employed and the employee or employer has notified the claims-handling entity within 5 business days after returning to work, the first installment is due within 7 days after the last date of the post-injury employer's first biweekly work week. Subsequent payments of temporary partial disability benefits for any biweekly period are due no later than 7 days after the end of the last date of that biweekly period as long as the employee continues to be employed and eligible.

2. If re-employed and the employee or employer has failed to notify the claims-handling entity within 5 business days after returning to work, the first installment is due within 7 days after notification is made to claims-handling entity. Subsequent payments of temporary partial disability benefits for any biweekly period is due no later than 7 days after the end of the last day of that biweekly period as long as the employee continues to be employed and eligible.

3. Once re-employed, the first week of temporary partial disability may be paid as a partial week in order to coincide with the post-injury employer's workweek. To determine the amount of benefits due for a partial week:

a. Divide the pre-injury average weekly wage by the pre-injury number of days employed per week to calculate the daily rate:

b. Multiply this daily rate by the number of days the employee worked during the post injury employer's work week:

c. Multiply this amount by 80%:

d. Subtract the partial week's earnings; and

e. Multiply the difference by 80%, resulting in the temporary partial benefit due for this partial week.

(c) No confirmation of earnings – At any time the claims-handling entity is unable to confirm continued re-employment with the employee or is unable to obtain earnings information from the employee's post injury employer or employers, the claims-handling entity shall calculate benefits based on the last wage information submitted or obtained, and continue to pay temporary partial disability benefits, subject to the employee's timely return of Form DFS-F2-DWC-19. Subsequent payments of temporary partial disability benefits for any biweekly period are due no later than seven (7) days after the end of the last day of that biweekly period as if the employee continues to be employed and eligible. If the employee does not timely return Form DFS-F2-DWC-19, the claims-handling entity may then suspend payment of the employee's temporary partial disability benefits until the claims-handling entity's receipt of the form.

Specific Authority 440.15(4), 440.591 FS. Law Implemented 440.15(4) FS. History--New \_\_\_\_\_.

69L-3.0192 Impairment Income Benefits (Dates of Accident on or After January 1, 1994 through September 30, 2003).

(1)(a) After the employee has reached maximum medical improvement, the claims-handling entity carrier shall make the initial payment of impairment income benefits no later than the 20th day after the claims-handling entity carrier has knowledge of the employee's permanent impairment rating; however, this initial payment may be made before the 20th day. The initial payment of impairment income benefits must include payment for all full weeks of entitlement since the date of maximum

medical improvement up to the time the initial payment is made. Impairment income benefits are payable whether the employee is working or not.

(b) Impairment income benefits may be paid in either weekly or biweekly installments. If the claims-handling entity carrier pays benefits biweekly, it shall issue payment for both weeks at the end of the first week. To establish and maintain a bi-weekly installment schedule, the claims-handling entity carrier shall issue the check for the first and second weeks of entitlement at the end of the first week, the third and fourth weeks of entitlement at the end of the third week, and so on.

(2)(a) Impairment income benefits are paid at a rate of 50% ~~percent~~ of the average weekly temporary total disability benefit, as defined in subsection 69L-3.002(1), F.A.C.

(b) If impairment income benefits are due and no previous temporary total disability benefits have been paid, the average weekly temporary total disability benefit shall be 66 2/3% ~~percent~~ of the employee's average weekly wage, up to the maximum compensation rate for the accident year.

(3) Impairment income benefits may not be offset by social security or unemployment compensation benefits received by the employee.

Specific Authority 440.591 FS. Law Implemented 440.15(3) FS. History--New 11-9-94, Formerly 38F-3.0192, 4L-3.0192, Amended \_\_\_\_\_.

69L-3.01925 Impairment Income Benefits (Dates of Accident on or After October 1, 2003).

(1) The initial payment of impairment income benefits shall include payment for all full weeks of entitlement since the date of maximum medical improvement up to the time the initial payment is made. After the employee has reached maximum medical improvement, the claims-handling entity shall make the initial payment of impairment income benefits no later than the 14th day after the claims-handling entity has knowledge of the employee's permanent impairment rating.

(2) Impairment income benefits shall be paid in biweekly installments pursuant to Sections 440.15(3)(c) and (g), F.S. (2003)

(3) Impairment income benefits may not be offset by social security or unemployment compensation benefits received by the employee.

Specific Authority 440.15(3)(f), 440.591 FS. Law Implemented 440.15(3)(f) FS. History--New \_\_\_\_\_.

69L-3.0193 Supplemental Income Benefits (Dates of Accident on or After January 1, 1994 through September 30, 2003).

An employee may be eligible to receive Supplemental Income Benefits if an impairment rating of 20% ~~percent~~ or more has been assigned in accordance with Section 440.15(3)(b), F.S. (1994).

(1) Definitions: The following words and terms when used in this rule shall have the following meanings:

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

(b) "Initial Payment of Supplemental Income Benefits" means payment of supplemental income benefits for the first whole or partial calendar month immediately following the expiration of the impairment income benefit period. The initial payment of supplemental income benefits shall cover the time beginning with the day after the expiration of impairment income benefits and ending with the last date in the initial calendar month.

(c) "Payment Period for Supplemental Income Benefits" means the period of 3 consecutive calendar months immediately following the filing period. The first payment period may consist of less than 3 full months if the first monthly payment is prorated. The last payment period may consist of less than 3 full months if the employee has reached a maximum of 401 weeks of benefits. All other payment periods of supplemental income benefits shall be for 3 full calendar months.

(2)(a) No later than 15 weeks before the expiration of the impairment income benefit period, the claims-handling entity carrier shall send by certified mail to each employee eligible for supplemental income benefits an informational letter substantially in conformance with subsection paragraph (7) of this rule section and two copies of Form DFS-F2-DWC-40; Statement of Quarterly Earnings for Supplemental Benefits. The claims-handling entity carrier shall fill out the first two lines on one of the Forms DFS-F2-DWC-40 before sending it to the employee and indicate the beginning and ending dates of the initial filing period. The second Form DFS-F2-DWC-40 should be left blank.

(b) If the claims-handling entity carrier has knowledge that the employee is eligible for supplemental income benefits and fails to timely provide the employee with written notification and forms as required by this rule, the claims-handling entity carrier shall pay supplemental income benefits for all months for which the employee was not provided a form. Payment shall be computed as if the employee had \$0 earnings. The claims-handling entity carrier may later obtain repayment of any overpayment in accordance with paragraph (3)(d) of this rule and pursuant to Section s. 440.15(12)(13), F.S.

(c) For any filing period, the claims-handling entity carrier shall add all earnings reported by the employee and divide by the total number of weeks in that filing period to yield a "current average weekly wage." The current average weekly wage shall include any weeks for which \$0 earnings were reported.

(3) Payment of Supplemental Income Benefits:

(a) The claims-handling entity carrier shall issue the initial payment (the first whole or partial calendar month) of supplemental income benefits by the 7th day after the expiration of impairment income benefits. The claims-handling entity carrier shall make the first payment of supplemental income benefits with or without receipt of the employee's first Form DFS-F2-DWC-40. If the employee timely filed Form DFS-F2-DWC-40 with the claims-handling entity carrier, the second and third months in the initial payment period shall be paid on the first (1st) day of each month in that payment period.

(b) To calculate benefits due for a partial month of the initial payment period: divide the monthly supplemental income benefit payment amount, computed from the "calculation" section on Form DFS-F2-DWC-40, by 4.3; divide that amount by 7 to yield the daily rate; multiply this daily rate by the number of days from the first day of eligibility for supplemental income benefits through the last day of the first calendar month in the payment period. Record this figure on Form DFS-F2-DWC-40 in the box labeled "Payment Amount for Initial Month."

(c) Except for the initial payment of supplemental income benefits, payments of additional monthly supplemental income benefits are contingent upon the employee having filed Form DFS-F2-DWC-40 with the claims-handling entity carrier. Subsequent monthly payments of supplemental income benefits for which the claims-handling entity carrier has received Form DFS-F2-DWC-40 shall be paid as follows:

1.(1) The first ~~(1st)~~ month in the next payment period shall be paid within 7 days of the claims-handling entity's carrier's receipt of Form DFS-F2-DWC-40;

2.(2) the second ~~(2nd)~~ and third ~~(3rd)~~ months of this payment period shall be paid on the first ~~(1st)~~ day of each month in that payment period. If Form DFS-F2-DWC-40 was not timely returned by the employee to allow the claims-handling entity carrier to issue payment as per paragraphs (a) and (b) above, the claims-handling entity carrier shall within 7 days of receipt of Form DFS-F2-DWC-40 pay any and all months of supplemental income benefits due and owing as of the date the form was received, subject to the information submitted by the employee on the form.

(d) If upon receipt of Form DFS-F2-DWC-40 it is determined that an overpayment of supplemental income benefits has occurred, the claims-handling entity carrier may recalculate the amount of supplemental income benefits due for the remaining months in that payment period or any subsequent payment periods and obtain repayment, subject to the provisions of Section s: 440.15(12)(13), F.S. In no case shall the repayment amount be greater than 20% ~~percent~~ of the monthly supplemental income benefit payment amount.

(e) The monthly supplemental income benefit payable ~~shall may~~ not exceed the maximum weekly benefit amount as set out in Section s: 440.12, F.S., multiplied by 4.3.

(4) Filing Requirements:

(a) The employee will not be entitled to supplemental income benefits for any filing period for which Form DFS-F2-DWC-40 has not been filed with the claims-handling entity carrier by the seventh (~~7th~~) day after the expiration of the payment period associated with that filing period.

(b) Within 7 days after the claims-handling entity carrier has made the first payment of supplemental income benefits in any payment period, the claims-handling entity carrier shall send the completed Form DFS-F2-DWC-40 to the Division, the employee, the employer, and any other interested parties. If the claims-handling entity carrier denies payment of supplemental income benefits for any payment period, the claims-handling entity carrier must attach Form DFS-F2-DWC-12, ~~Notice of Denial~~, to Form DFS-F2-DWC-40 and provide the reason(s) for the denial.

(c) The claims-handling entity carrier shall provide the employee with at least two (2) additional Forms DFS-F2-DWC-40 upon payment of the first month for any payment period. The claims-handling entity carrier shall indicate on one of the forms the beginning and ending dates of the employee's next filing period.

(5) The amount payable for supplemental income benefits shall be based on earnings information submitted by the employee for the previous filing period, and shall be paid monthly, with the exception of the initial payment which may be prorated. Once the employee has been determined to be eligible for supplemental income benefits for the filing period, the monthly benefit amounts shall be the same for each month of that filing period, unless it is the initial payment of supplemental income benefits for a partial month, or if an adjustment is being made for an overpayment, or if the final payment of supplemental income benefits expires at the 401 week maximum.

(6) Supplemental income benefits may not be offset by ~~s~~ Social ~~s~~ Security or unemployment compensation benefits received by the employee.

(7) The informational letter to the employee referred to in ~~subsection paragraph~~ (2) of this rule must contain at least the following information:

"Because your doctor found that you have a permanent impairment of 20% or more due to your work injury, you may be eligible to receive additional workers' compensation benefits, known as SUPPLEMENTAL INCOME BENEFITS. However, you must also meet the requirements below in order to receive payment for these benefits:

1. You must be unable to earn at least 80% of what you earned before your injury for at least 90 days in a row, and

2. You must try in good faith to find a job that you are able to do and cooperate with any reemployment help offered by the employer, claims-handling entity carrier or the Division of Workers' Compensation.

To get your first check for supplemental income benefits, you need to complete, sign and return the enclosed "Statement of Quarterly Earnings for Supplemental Benefits" ~~Form form~~ (DFS-F2-DWC-40) to this office. We recommend you return the form no later than 7 days after the end of the filing period, shown in section "A" of the enclosed form. This should enable you to keep your payments coming about every 4 to 6 weeks. Report any wages you earn during the last 13 weeks that you are paid impairment income benefits. Do not include the amount paid to you for your impairment income benefits. Follow the filing instructions on the back of the form to make sure there will not be a break in your payments. Your supplemental income benefits will be calculated by a formula that is based on the wages you report for every filing period on each "Statement of Quarterly Earnings for Supplemental Income Benefits."

If you already know that you will not be eligible for payment of supplemental income benefits when your impairment income benefits end, keep this letter and the other blank form for possible future use, because you may later become eligible for supplemental benefits.

If you do not work during the filing period, it is suggested that you keep records of all the places you look for work, the dates you look, the type of work you are seeking, and the names of the people you contact.



If you turn down the offer of a job that you are able to do, your supplemental income benefits will be calculated on the basis of what that job would have paid you, for as long as the job offer remained open to you. Also, if you refuse to accept training or education offered by the employer, this office, or the Division, your supplemental income benefits may be reduced by one-half. If you have any questions, contact your claims representative at this office, at the address and telephone number listed in this letter. You may also call the Division of Workers' Compensation's Employee Assistance and Ombudsman Office (EAO) at any of its branch offices listed in your employee brochure, or at its toll-free telephone number in Tallahassee at 1(800)342-1741."

Specific Authority 440.15(3)(b)5., 440.591 FS. Law Implemented 440.15(3), 440.20(3), 440.491 FS. History--New 11-9-94. Formerly 38F-3.0193, 4L-3.0193, Amended \_\_\_\_\_.

69L-3.0194 Permanent Total and Permanent Total Supplemental Benefits For Dates of Accident Prior to October 1, 2003.

(1) Permanent total benefits paid for injuries occurring prior to July 1, 1955, shall not be made in excess of 700 weeks. Permanent total benefits paid for injuries occurring on or after July 1, 1955, shall continue during the continuance of the employee's entitlement.

(a) When a permanently and totally disabled employee re-establishes an earning capacity and undertakes a trial period of re-employment pursuant to Rule 6A-22, F.A.C. Chapter 59A-28, ~~the~~ such employee may be eligible for impairment income and supplemental benefits pursuant to Section 440.15(3), F.S.

(b) The claims-handling entity carrier has the right to require, no more than once every calendar year, that a permanently and totally disabled employee undergo vocational valuation or have testing conducted pursuant to Section 440.491, F.S. The claims-handling entity carrier shall no later than 10 ten working days prior to such evaluation or testing confirm in writing to the employee the date, time and place of such evaluation or testing. In the confirmation letter, the claims-handling entity carrier shall advise the employee of the procedures that the employee will be undergoing going through and the approximate time frame for completion of the such evaluation or testing. ~~The Such~~ notification shall be sent by the claims-handling entity carrier to the employee's counsel, if any, no later than 7 seven days before the date of the evaluation or testing. This subsection applies only to permanent total cases in which the date of accident is on or after January 1, 1994 1-1-94.

(2) Permanently and totally disabled employees are entitled to permanent total disability supplemental benefits when the injury occurred subsequent to June 30, 1955, and the liability of the employer has not been discharged pursuant to Section 440.20(12), F.S. Such benefits shall be equal to 5% five of the employee's weekly compensation rate which was in effect on the date of the employee's injury, multiplied by the number of calendar years since the date of injury.

(a) When the date of the employee's injury and acceptance or adjudication of permanent total disability is within the same calendar year, supplemental benefits are payable January 1st of the next calendar year.

(b) When acceptance or adjudication is in a calendar year other than the year of injury, supplemental benefits are payable as of the date the employee was accepted or adjudicated permanently and totally disabled.

(3)(a) Permanent total supplemental benefits shall be paid by the Division, unless the claims-handling entity carrier made an election to pay such benefits, to an injured employee whose accident occurred subsequent to June 30, 1955, and before July 1, 1984. Permanent total supplemental benefits are not payable for any period prior to October 1, 1974.

(b) Permanent total supplemental benefits shall be paid by the claims-handling entity carrier for injury occurring on or after July 1, 1984. The claims-handling entity carrier is not required to pay permanent total supplemental benefits for any period prior to October 1, 1974.

(c) An injured employee entitled to or receiving permanent total supplemental benefits shall have such benefits increased by 5% five each January 1st after the commencement of such entitlement. However, when ~~such~~ permanent total supplemental benefits are combined with the compensation rate, ~~the such~~ combination of benefits shall not exceed the maximum compensation rate in effect for the year in which the combined benefits are being paid.

(d)1. The injured employee is entitled to full permanent total supplemental and compensation benefits as of ~~the such~~ employee's 62nd birthday for dates of accident prior to July 1, 1990 7-1-90. The employee's entitlement to permanent total supplemental benefits shall cease on ~~the such~~ employee's 62nd birthday if ~~the such~~ employee is eligible for social security benefits under 42 U.S.C. ~~Sections ss.~~ 402 and 423, whether or not ~~the such~~ employee has applied for ~~such~~ benefits when the employee's date of accident occurred on or after July 1, 1990 7-1-90.

2. All permanent total benefits shall cease when the employee becomes an inmate of a public institution, unless the employee has dependents as defined in Chapter 440 F.S. Dependent benefits shall be determined for each dependent as though if the employee were deceased.

3. All permanent total benefits shall cease when the injured employee accepts a full settlement of benefits in exchange of all future liability of the employer.

4. When the injured employee receives a full or partial lump-sum advance of ~~the such~~ employee's permanent total disability compensation benefits, the employee's permanent total supplemental benefits shall be computed on the employee's weekly compensation rate as reduced by ~~the such~~ lump-sum advance.

5. Neither the claims-handling entity carrier, employer, or Division of Workers' Compensation shall pay any permanent total benefits for as long as the injured employee willfully fails or refuses to file a completed Form DFS-F2-DWC-19, Employee Earnings Report, or Form DFS-F2-DWC-14, Request for Social Security Disability Benefit Information, DWC-14, or Form DFS-F2-DWC-30, Authorization and Request for Unemployment Compensation Information, as incorporated by reference in Rule ~~Chapter~~ 69L-3.025, F.A.C., within 21 days after the employee received the request.

(4) The social security offset of permanent total disability benefits shall be calculated as follows:

(a) ~~Convert monthly social security benefit to weekly benefit by dividing the monthly amount by 4.3 (monthly amount divided by 4.3). Compensation rate (plus) + Principal Insurance Amount (P.I.A.) + five % permanent total supplemental benefits due at the time of permanent total acceptance or adjudication. When the injured employee is receiving social security dependent benefits, such dependent benefits shall be added to the Principal Insurance Amount for purposes of determining the offset.~~

(b) ~~Add the Compensation Rate (CR) + Principal Insurance Amount (PIA) or the Maximum Family Benefits (MFB) if the employee has dependents + 5% permanent total supplemental benefits due at the time of permanent total acceptance or adjudication. Subtract the greater of 80% of average weekly wage (AWW), or 80% of weekly average current earnings (ACE).~~

(c) ~~Subtract the greater of 80% of average weekly wage (AWW), or 80% of weekly average current earnings (ACE). The resulting difference is the offset amount. Convert monthly social security benefit to weekly benefit by dividing the monthly amount by 4.3 (monthly amount divided by 4.3). The resulting difference is the offset amount.~~

(5)(a) Neither the claims-handling entity carrier nor the Division shall take the social security offset until after the Social Security Administration has removed its offset.

(b) Social security offset shall not be applied retroactively nor shall social security annual cost of living increases or initial lump-sum payments be included in any offset.

(c) The Division shall have ~~first~~ priority over the claims-handling entity in taking any available social security offset on dates of accident prior to July 1, 1984.

(d) No social security offset shall be ~~taken take~~ which is greater than the offset that would otherwise be taken by the Social Security Administration.

(e)1. Within 14 days after request by the Division, the claims-handling entity carrier shall file a completed Form DFS-F2-DWC-35, Permanent Total Supplemental Worksheet, with the Division's Permanent Total Section at its Tallahassee office.

2. Within 14 days after request by the Division, the claims-handling entity carrier shall file a completed Form DFS-F2-DWC-33, Permanent Total Offset Worksheet, with the Division's Permanent Total Section at its Tallahassee office.

Specific Authority 440.15(1)(f)2.a., 440.591, 440.15(2)(d) FS. Law Implemented 440.15(1), FS. History--New 8-29-94, Amended 5-14-95. Formerly 38F-24.027, Formerly 38F-3.0194, 4L-3.0194, Amended \_\_\_\_\_.

69L-3.01945 Permanent Total and Permanent Total Supplemental Benefits For Dates of Accident On or After October 1, 2003.

(1) Permanent total benefits paid for injuries occurring on or after October 1, 2003, shall cease at age 75. If it is determined that the injury prevented the employee from working sufficient quarters to be eligible for social security benefits under 42 U.S.C. Sections 402 or 423, benefits will continue to be paid in accordance with the requirements of Chapter 440, F.S. If the accident occurred on or after the employee reaches age 70, benefits shall be payable during the continuance of permanent total disability, not to exceed 5 years from the date of permanent total disability.

(2) Permanent total benefits paid for injuries occurring on or after October 1, 2003, shall continue during the continuance of the employee's entitlement.

(a) When a permanently and totally disabled employee re-establishes an earning capacity and undertakes a trial period of re-employment pursuant to Rule Chapter 6A-22, F.A.C., the employee may be eligible for impairment income benefits pursuant to Section 440.15(3), F.S.

(b) The claims-handling entity or the employer have the right to require, no more than once every calendar year, that a permanently and totally disabled employee undergo vocational evaluations or testing pursuant to Section 440.491, F.S. The claims-handling entity shall, no later than 10 working days prior to such evaluation or testing, confirm in writing to the employee the date, time and place of such evaluation or testing. In the confirmation letter, the claims-handling entity shall advise the employee of the procedures that the employee will be undergoing and the approximate time frame for completion of the evaluation or testing. The notification shall be sent by the claims-handling entity to the employee and the employee's counsel, if any, no later than 7 days before the date of the evaluation or testing.

(3) Permanently and totally disabled employees are entitled to permanent total disability supplemental benefits, if the liability of the employer has not been discharged pursuant to Section 440.20(12), F.S. Such benefits shall be equal to 3% of the employee's weekly compensation rate which was in effect on the date of the employee's injury multiplied by the number of calendar years since the date of injury.

(a) When the date of the employee's injury and acceptance or adjudication of permanent total disability is within the same calendar year, supplemental benefits are payable January 1 of the next calendar year.

(b) When acceptance or adjudication is in a calendar year other than the year of injury, supplemental benefits are payable as of the date the employee was accepted or adjudicated permanently and totally disabled.

(4)(a) Permanent total supplemental benefits shall be paid by the claims-handling entity.

(b) An injured employee entitled to or receiving permanent total supplemental benefits shall have such benefits increased by 3% each January 1 after the commencement of such entitlement. However, when the permanent total supplemental benefits are combined with the compensation rate, such combination of benefits shall not exceed the maximum compensation rate in effect for the year in which the combined benefits are being paid.

(c) For injuries occurring on or after October 1, 2003, the employee's entitlement to specific benefits shall cease when any of the following occurs:

1. Permanent total supplemental benefits shall cease on the employees 62nd birthday, regardless of whether the employee has applied for or is eligible to apply for social security benefits under 42 U.S.C., Sections 402 or 423. If it is determined that the injury prohibited the employee from qualifying for social security benefits, supplemental benefits will continue to be paid as long as the employee remains eligible.

2. All permanent total benefits shall cease when the employee becomes an inmate of a public institution, unless the employee has dependents as defined in Chapter 440, F.S. Dependent benefits shall be determined for each dependent as though the employee were deceased.

3. All permanent total benefits shall cease when the injured employee accepts a full settlement of benefits in exchange of all future liability of the employer.

4. When the injured employee receives a full or partial lump-sum advance of such employee's permanent total disability compensation benefits, the employee's permanent total supplemental benefits shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

5. Neither the claims-handling entity, employer, or Division of Workers' Compensation shall pay any permanent total benefits for as long as the injured employee willfully fails

or refuses to file a completed Form DFS-F2-DWC-19, or Form DFS-F2-DWC-14, or Form DFS-F2-DWC-30, as incorporated by reference in Rule 69L-3.025, F.A.C., within 21 days after the employee receives the request.

(4) The social security offset of permanent total disability benefits shall be calculated as follows:

(a) Convert monthly social security benefit to weekly benefit by dividing the monthly amount by 4.3 (monthly amount divided by 4.3).

(b) Add the Compensation Rate (CR) + Principal Insurance Amount (PIA) or the Maximum Family Benefits (MFB) if the employee has dependents + 3% permanent total supplemental benefits due at the time of permanent total acceptance or adjudication.

(c) Subtract the greatest of 80% of average weekly wage (AWW), or 80% of weekly average current earnings (ACE). The resulting difference is the offset amount.

(5)(a) Neither the claims-handling entity nor the Division shall take the social security offset until after the Social Security Administration has removed its offset.

(b) The social security offset shall not be applied retroactively nor shall social security annual cost of living increases or initial lump-sum payments be included in any offset.

(c) No social security offset shall be taken which is greater than the offset that would otherwise be taken by the Social Security Administration.

(d)1. Within 14 days after request by the Division, the claims-handling entity shall file a completed Form DFS-F2-DWC-35 with the Division's Permanent Total Section.

2. Within 14 days after request by the Division, the claims-handling entity shall file a completed Form DFS-F2-DWC-33 with the Division's Permanent Total Section.

Specific Authority 440.15(1)(f)2.a., 440.591, 440.15(2)(d) FS. Law Implemented 440.15(1) FS. History--New \_\_\_\_\_.

69L-3.0195 Permanent Total and Permanent Total Supplemental Benefits Forms.

Specific Authority 440.13(11)(b), 440.591 FS. Law Implemented 440.13(11)(b), 440.15(1)(f)1.,(10) FS. History--New 10-2-94, Amended 6-4-97, Formerly 38F-24.029, 38F-3.0195, Repealed \_\_\_\_\_.

69L-3.021 Additional Income Source Reports.

(1) Within 21 days after the employee receives a request from either the Division or the ~~claims-handling entity carrier~~ for either Form ~~DFS-F2-DWC-14, Request for Social Security Disability Benefits Information~~, or Form ~~DFS-F2-DWC-30, Authorization Request for Unemployment Compensation Information~~, the employee shall complete the form and return it to the party requesting the information. The employee shall renew the authorization each 12 months upon a request by the Division, employer or ~~claims-handling entity carrier~~.

(2) Upon request of the Division, employer, or claims-handling entity carrier, any employee eligible for temporary total, temporary partial, permanent total disability or permanent total supplemental compensation shall complete, sign, and return Form DFS-F2-DWC-19, Employee Earnings Report, within 21 days after receiving it to report all earnings of any nature, including all social security benefits. The Division, employer, or claims-handling entity carrier may require the employee to send Form DFS-F2-DWC-19 no more than once a month.

(3) If the employee ~~willfully fails or~~ refuses to report information requested in accordance with subsection (1) or (2) above within 21 days after receipt of the request, payments of workers' compensation disability benefits for temporary total, temporary partial, permanent total or permanent total supplemental compensation shall cease until such time as the employee furnishes the signed form.

~~(4) For dates of accident on or after October 1, 2003, upon the request of the claims-handling entity, any employee eligible for impairment income benefits shall complete, sign, and return Form DFS-F2-DWC-19 within 21 days after receiving it to report all earnings. The claims-handling entity may require the employee to send Form DFS-F2-DWC-19 no more than once a month. If the employee refuses to report earnings within 21 days after receipt of the request, payments of workers' compensation disability benefits for impairment income benefits shall cease until such time as the employee furnishes the signed form.~~

~~(5)(4) The party requesting the employee's authorization for release of social security benefit information shall furnish the Form DFS-F2-DWC-14 form to the employee. The requesting party shall be responsible for submitting the Request for Social Security Disability Benefit Information to the Social Security Administration office nearest to the employee's address. The requesting party must send a copy of the completed Form DFS-F2-DWC-14 to the Division within 14 days of the request.~~

~~(6)(7) If the claims-handling entity carrier changes the employee's compensation rate based on any offset for a permanent total case only, the claims-handling entity carrier shall send to the Division, along with the appropriate income source report, Form DFS-F2-DWC-4 indicating the change in accordance with the provisions of Rule 69L-3.0091, F.A.C.~~

~~(7)(8) If the employee's benefits have been suspended due to the employee's willful failure or refusal to furnish a signed release, the claims-handling entity carrier shall send to the Division Form DFS-F2-DWC-4 indicating the effective date and reason code for suspension of the benefits in accordance with the provisions of Rule 69L-3.0091, F.A.C.~~

~~(9) When submitting Form DWC-14 to the Social Security Administration, or Form DWC-30 to the Division of Unemployment Compensation, the requestor may want to include with the form a self-addressed stamped return envelope or the requestor's return address printed on a peel-off adhesive label in order to expedite processing.~~

Specific Authority 440.591, 440.15(1)(f)2.a.,b.,(2)(d) FS. Law Implemented 440.15(1),(2),(4), 440.185, 440.20(3) FS. History--New 10-30-79, Amended 11-5-81, Formerly 38F-3.21, Amended 4-11-90, 1-30-91, 6-10-92, 11-8-94. Formerly 38F-3.021, 4L-3.021, Amended \_\_\_\_\_.

69L-3.0212 Monthly Risk Class/SIC Code Report.

Specific Authority 440.591 FS. Law Implemented 440.59 FS. History--New 11-8-94, Formerly 38F-3.0212, Repealed \_\_\_\_\_.

69L-3.0213 Aggregate Claims Administration Change Report.

(1) If the responsibility for handling claims files has changed due to a claims-handling entity carrier or servicing agent taking over the claims from another a claims-handling entity carrier or servicing agent, the new claims-handling entity carrier or servicing agent shall report this change ~~carrier or servicing agent may send Form DWC-49~~ to the Division. ~~They may send Form DFS-F2-DWC-49~~ to report an aggregate listing of claims affected by the change in administration rather than sending an individual Form DFS-F2-DWC-4 on each claims file in accordance with the provisions of Rule 69L-3.0091, F.A.C.

(2) If the claims-handling entity carrier chooses to send Form DFS-F2-DWC-49 in place of separate Forms DFS-F2-DWC-4 to report a claims administration change, the claims-handling entity carrier shall send Form DFS-F2-DWC-49 to the Division within 14 30 days ~~after of~~ the effective date of ~~in~~ the change ~~in the of~~ administration of claim files.

(3) If a claims-handling entity carrier chooses to send Form DFS-F2-DWC-49 ~~in place of separate Forms DWC-4~~ to report a claims administration change, the claims-handling entity carrier must use a separate Form DFS-F2-DWC-49 for each claims office location handling those ~~claims~~ files.

(4) Any attachment(s) used to report additional information ~~shall be must~~ in a format that contains all of the data fields identified on the identical to Form DFS-F2-DWC-49.

Specific Authority 440.591 FS. Law Implemented 440.59 FS. History--New 11-8-94. Formerly 38F-3.0213, Formerly 4L-3.0213, Amended \_\_\_\_\_.

69L-3.0214 Aggregate Defense Attorney Fee Report.

Specific Authority 440.345 FS. Law Implemented 440.345 FS. History--New 11-25-96, Formerly 38F-3.0214, Repealed \_\_\_\_\_.

69L-3.025 Forms.

(1) The following forms are to be used with this rule chapter and are hereby incorporated by reference:

- (a) Form DFS-F2-DWC-1 ~~2-25-04~~ ~~11-8-94~~ First Report of Injury or Illness Workers' Compensation - First report of Injury or Illness - For use only by entities ~~those~~ approved to transmit electronic First Reports of injury to the Division
- (b) ~~ACORD 4~~ or Form IA-1 ~~1-1-02~~ ~~11-8-94~~
- (c) Form DFS-F2-DWC-1a ~~2-25-04~~ ~~11-8-94~~ Wage Statement
- (d) Form DFS-F2-DWC-3 ~~2-25-04~~ ~~1-30-91~~ Request for Wage Loss/Temporary Partial Benefits
- (e) Form DFS-F2-DWC-4 ~~2-25-04~~ ~~11-8-94~~ Notice of Action/Change
- (f) Form DFS-F2-DWC-12 ~~2-25-04~~ ~~11-8-94~~ Notice of Denial
- (g) Form DFS-F2-DWC-13 ~~2-25-04~~ ~~11-8-94~~ Claim Cost Report
- (h) Form DFS-F2-DWC-14 ~~2-25-04~~ ~~11-8-94~~ Request for Social Security Disability Benefit Information
- (i) Form DFS-F2-DWC-19 ~~2-25-04~~ ~~11-8-94~~ Employee Earning Report
- (j) Form DFS-F2-DWC-30 ~~2-25-04~~ ~~11-8-94~~ Authorization and Request for Unemployment Compensation Information
- (k) Form DFS-F2-DWC-33 ~~2-25-04~~ ~~10-2-94~~ Permanent Total Offset Worksheet
- (l) Form DFS-F2-DWC-35 ~~2-25-04~~ ~~10-2-94~~ Permanent Total Supplemental Worksheet
- (m) Form DFS-F2-DWC-40 ~~2-25-04~~ ~~11-8-94~~ Statement of Quarterly Earnings for Supplemental Income Benefits
- (n) Form DWC-48 ~~11-8-94~~ Monthly Risk Class/SIC Code Report
- (o) Form DFS-F2-DWC-49 ~~2-25-04~~ ~~11-8-94~~ Aggregate Claims Administration Change Report
- (p) Form DWC-51 ~~11-25-96~~ Aggregate Defense Attorney Fee Report

(2) ~~An individual or entity requiring any form promulgated under this rule can obtain the form(s) from printers throughout the state.~~ The Division will not supply the forms promulgated under this chapter, but will make ~~em~~ provide sample copies. Forms are available on the Division's web site: <http://www.fldFS.com/wc>.

Specific Authority 440.15, 440.185, 440.20, 440.345 FS. Law Implemented 440.14(3), 440.15(1),(4),(9),(10), 440.185, 440.185(4),(5),(10), 440.20(2),(3), 440.345, 440.35, 440.51(6),(9) FS. History--New 4-11-90, Amended 1-30-91, 11-8-94, 11-11-96, 11-25-96, Formerly 38F-3.025, 4L-3.025, Amended

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLES: RULE NOS.:

Florida Workers' Compensation Health Care Provider Reimbursement Manual 69L-7.020

Florida Workers' Compensation Reimbursement Manual for Hospitals 69L-7.501

PURPOSE AND EFFECT: To amend Rule 69L-7.020, F.A.C., to adopt the new versions of the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition; the Physicians' Current Procedural Terminology (CPT®), 2004 Professional Edition, Copyright 2003, American Medical Association; and the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2004", Sixteenth Edition, Copyright 2003, Ingenix Publishing Group. To amend Rule 69L-7.501, F.A.C., to adopt the Florida Workers' Compensation Reimbursement Manual for Hospitals, 2004 Second Edition, and incorporate the Florida Workers' Compensation Health Care Reimbursement Manual, 2004 Second Edition. These amendments are made to comply with Chapter Law 2003-412 (SB-50A), incorporate 2004 updates to Medicare values, and implement the reimbursement rates adopted by the three-member Panel pursuant to Section 440.13(12), F.S., at its meeting on October 2, 2003.

SUBJECT AREA TO BE ADDRESSED: Reimbursement of health care providers that provide medical services for workers' compensation claimants.

SPECIFIC AUTHORITY: 440.591, 440.13(14)(b) FS.

LAW IMPLEMENTED: 440.13(7),(12),(14) 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 24, 2004

PLACE: 104J Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical services and supplies provided by health care providers. Also, the ~~The~~ manual includes ~~provides~~ reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com>.

(2) The Physicians' Current Procedural Terminology (CPT®), 2004 ~~2003~~ Professional Edition, Copyright 2003 ~~2002~~, American Medical Association; the Current Dental Terminology (CDT-4), Fourth Edition, Copyright 2002, American Dental Association; and for D codes and for injectable J codes, and for other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2004 ~~2003~~", Sixteenth ~~Fifteenth~~ Edition, Copyright 2003 ~~2002~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service, which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated in subsection (1) above, the provider must use a code contained in the CPT®, CDT-4 or HCPCS section as specified.

Specific Authority 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History--New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.020, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, \_\_\_\_\_.

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 2004 Second Edition is adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies.

(2) Form DWC-90, also known as the UB-92, or HCFA-1450, is hereby incorporated by reference as part of this rule. The Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004, Second Edition is incorporated by reference as part of this rule also. The reimbursement policies, billing codes and maximum reimbursement allowances for physical therapy, ~~radiology~~, occupational therapy, speech therapy, radiology and clinical laboratory services contained in the manual shall be applied to hospital services provided on an outpatient basis only.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, incorporated in subsection (1) above, is available for inspection during normal business hours, at the State of Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's website at <http://www.fldfs.com>.

Specific Authority 440.591, 440.13(14)(b) FS. Law Implemented 440.13(7),(12),(14) FS. History--New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, Amended 1-1-04, \_\_\_\_\_.

## Section II Proposed Rules

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

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

### PUBLIC SERVICE COMMISSION

DOCKET NO. 040011-EI

RULE TITLE:

RULE NO.:

Records of Interruptions and Commission

Notification of Threats to Bulk Power

Supply Integrity of Major

Interruptions of Service

25-6.018

PURPOSE AND EFFECT: Requiring utilities to file a report on customer interruptions and curtailments on a regular basis will allow the Commission to better monitor the utilities' exercise of non-firm service and to provide up-to-date interruption and curtailment information to outside parties.

Utilities have historically considered customer-specific information to be proprietary confidential business information, and the Commission has granted several confidentiality requests for such data. The staff believes that the names of the customers are not essential to the commission's ability to monitor the utilities' exercise of non-firm service.

**SUMMARY:** The existing rule requires investor-owned electric utilities with interruptible or curtailable rate schedules to provide a report to the Commission of customer interruptions and curtailments for those months when interruptions occur. The report must include specific information, including the names of the customers interrupted or curtailed. The rule does not specify when the monthly reports must be filed. Staff is proposing two amendments to the rule. The first amendment would require the utilities, beginning on July 1, 2004, to file the report quarterly and no later than 30 days after the end of the reported quarter. The second amendment would eliminate the requirement to include the names of the customers interrupted or curtailed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A Statement of Estimated Regulatory Cost is not needed.

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:** 366.05(1) FS.

**LAW IMPLEMENTED:** 366.03, 366.04(2)(c),(f),(5), 366.055 FS.

**WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO:** FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.018 Records of Interruptions and Commission Notification of Threats to Bulk Power Supply Integrity or Major Interruptions of Service.

(1) through (2) No change.

(3) Each utility with interruptible or curtailable rate schedules shall provide a report to the Commission of customer interruptions and curtailments for each applicable rate schedule, ~~for those months when interruptions occur.~~ The report ~~shall~~ ~~should~~ include ~~the names of the customers interrupted or curtailed,~~ the reason for interruption or curtailment, the date, time, and duration of the interruption or curtailment, and amount of load shed. For utilities with optional billing provisions which provide for the utility to purchase power from another utility and supply it directly to the interrupted or curtailed customer, ~~the utility shall provide a report to the Commission~~ shall include indicating the name of the customer, the source, date, time, and amount of purchase in megawatt hours, and cost per megawatt hour for those months when purchases are made under the optional billing provision. Beginning on July 1, 2004, the report shall be filed quarterly and no later than 30 days after the end of the reported quarter. If there were no interruptions, curtailments, or optional billing events in the quarter, the report shall so state. Reports of customer interruptions or curtailments are not required when done under direct load management programs as approved by the Commission.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c),(f),(5), 366.055 FS. History—Amended 7-29-69, 4-13-80, Formerly 25-6.18, Amended \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Elisabeth Draper

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Florida Public Service Commission  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** February 17, 2004

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** Vol. 29, No. 51, December 19, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
General Regulations	60A-1
<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Eligible Users	60A-1.005

**PURPOSE AND EFFECT:** The purpose of this rule is to define the phrase “eligible user,” as required by s. 287.012(12), F.S.

**SUMMARY:** The rule defines “eligible user,” a term of art required to be defined by the Department of Management Services.

SPECIFIC AUTHORITY: 287.042(12) FS.  
 LAW IMPLEMENTED: 287.012(12) 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: 1:30 p.m. – 5:00 p.m., March 26, 2004  
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.005 Eligible Users.

Governmental agencies, as defined in s. 163.3164, F.S., which have a physical presence within the State of Florida are eligible users of state term contracts subject to s. 287.056(1), F.S.

Specific Authority 287.042(12) FS. Law Implemented 287.012(12) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
 RULE CHAPTER NO.: 60A-1  
 RULE TITLE: Term Contracts and Price Agreements  
 RULE NO.: 60A-1.008  
 PURPOSE AND EFFECT: To repeal Rule 60A-1.008, F.A.C., due to the restructuring of Chapter 60A-1, F.A.C. New and/or revised provisions are promulgated in order to address all subjects formerly aggregated in Rule 60A-1.008, F.A.C.  
 SUMMARY: A repeal of Rule 60A-1.008, F.A.C., in order to restructure its substantive provisions in a more logical format.  
 SPECIFIC AUTHORITY: 287.042 FS.  
 LAW IMPLEMENTED: 287.001, 287.042, 287.057, 287.017, 287.133, 287.1345, 695.25 FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004  
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.008 Term Contracts and Price Agreements.

Specific Authority 287.042 FS. Law Implemented 287.001, 287.017, 287.042, 287.057, 287.133, 287.1345, 695.25 FS. History–New 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, 5-17-79, 8-6-81, 10-12-81, 6-7-82, 11-4-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.08, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.008, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00, Repealed

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
 RULE CHAPTER NO.: 60A-1  
 RULE TITLE: Emergency Purchases of Commodities or Contractual Services  
 RULE NO.: 60A-1.009

PURPOSE AND EFFECT: This rule clarifies the procedures for agency reporting of emergency purchases pursuant to s. 287.057(5)(a), F.S. This rule will result in increased efficiency between a reporting agency and the Department of Management Services.

SUMMARY: This rule provides procedures and a form that streamlines the process agencies must follow to report emergency purchases to the Department of Management Services.

SPECIFIC AUTHORITY: 287.042(12) FS.  
 LAW IMPLEMENTED: 287.001, 287.057(5)(a) FS.



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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004  
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60A-1.009 follows. See Florida Administrative Code for present text.)

60A-1.009 Emergency Purchases of Commodities or Contractual Services.

(1) Filing Notice with the Department. Section 287.057(5)(a), F.S., defines the term “emergency purchase,” and details the requirements an agency must follow in making an emergency purchase of commodities or services. In order to comply with the reporting requirement therein, agencies must file with the Department Form PUR 7800, Notice of Emergency Purchase, which is hereby incorporated by reference, within thirty (30) days after date of issuance of the emergency purchase order or contract.

(2) No Renewal Permitted. Emergency purchase contracts or purchase orders cannot be renewed.

(3) Posting not required. Emergency purchase contracts or purchase orders need not be posted electronically or by any other means.

(4) Department approval not required. Department approval is not required to make an emergency purchase, as the burden of proof rests with the certifying officer.

Specific Authority ~~287.042(12)(43)~~ FS. Law Implemented 287.001, 287.057(5)(3)(a) FS. History—New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 11-12-84, 12-17-85, Formerly 13A-1.09, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.009, Amended 1-9-95, 7-6-98, 1-2-00, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2005

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
 RULE CHAPTER NO.: 60A-1  
 RULE TITLE: Single Source Purchases of Commodities  
 RULE NO.: 60A-1.010

or Contractual Services  
 PURPOSE AND EFFECT: This rule clarifies the processes and procedures relating to single source procurements of commodities and contractual services pursuant to s. 287.057(5)(c) F.S. The rule also provides new forms that assist agencies in following the new procedures. This rule will result in increased vendor and agency efficiency and a streamlined, uniform process for single source issues.

SUMMARY: This rule details the procedures agencies must follow when reporting single source purchases as required by s. 287.057(5)(c), F.S.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.001, 287.057(5)(c) FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004  
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60A-1.010 follows. See Florida Administrative Code for present text.)

60A-1.010 Single Source Purchases of Commodities or Contractual Services.

Single source purchases are purchases of commodities or contractual services available only from a single source. Pursuant to s. 287.057(5)(c), F.S., such purchases are excepted from the competitive solicitation process.

(1) Posting of Description of Intended Single Source Purchase. If an agency believes that a commodity or contractual service is available only from a single source and the total cost is in excess of the threshold for Category Two, the agency shall electronically post Form PUR 7776 (02/04), “Description of Intended Single Source Purchase,” which is hereby incorporated by reference. This Notice shall be posted for at least seven (7) business days.

(2) Written Determination of Single Source Purchase. After posting the Description of Intended Single Source Purchase for at least seven (7) business days, the agency must determine in writing that the commodity or service is only available from a single source. If any information is received from prospective vendors as a result of the posted Description of Intended Single Source Purchase, the agency’s written determination must address each prospective vendor’s submission and explain why such submission does not meet the agency’s requirement(s).

(3) Final Determination if Total Cost does not exceed Category Four. After making the written determination required by paragraph 2 above, if the total cost of the single source purchase does not exceed Category Four the agency shall provide notice of its decision to enter into a single source purchase by utilizing Form PUR 7778 (02/04), “Notice of Intended Decision to Enter Into a Single Source Contract,” which is hereby incorporated by reference. This notice must be electronically posted in accordance with s. 120.57(3), F.S.

(4) Final Determination if Total Cost exceeds Category Four. After making the written determination required by paragraph 2 above, if the total cost of the single source purchase exceeds Category Four the agency shall file a certification with the Department for the single source purchase and receive approval of such certification before posting the notice of intended decision under s. 120.57(3), F.S. A purchasing office shall not divide its purchases or its purchasing operations to circumvent these requirements.

(a) Certification Filed with Department. The certification and request for approval must be submitted to the Department using Form PUR 7777 (02/04), “Single Source Certification and Request for Approval,” which is hereby incorporated by reference. The submission must be made via electronic mail and must be addressed to singlesource@dms.state.fl.us.

(b) Department Review of Certification. The Department shall review all requests properly submitted and shall approve or disapprove all requests within 21 days of receipt. Failure by the Department to respond to a request within 21 days of receiving a request or receiving additional requested information shall constitute approval of the request. If the Department requests additional information from the agency in order to make its determination, the 21 day period begins anew. The Department shall approve all requests submitted if the agency has provided all required documentation in accordance with s. 287.057(5)(c), F.S., and this rule. The requesting agency retains authority and responsibility to determine whether or not a single source is justified. Agencies are encouraged to review s. 838.22(2), F.S., regarding circumvention of competitive bidding processes.

(c) Notice of Intended Decision. If the Department approves the certification request, the agency shall provide notice of its decision to enter into a single source purchase by utilizing Form PUR 7778. This notice must be electronically posted in accordance with s. 120.57(3), F.S.

(5) Modifications. An agency issuing a single source modification that increases the originally advertised award amount in excess of Category Two must process the modification in accordance with subsections (1) through (4) above.

(6) Recordkeeping. The circumstances surrounding the purchase and the agency’s final determination shall be maintained in the agency’s contract file. The Department shall maintain a record of all PUR 7777 certifications and related materials submitted to or issued by the Department.

(7) Renewal Not Permitted. Agencies shall not renew contracts made pursuant to s. 287.057(5)(c), F.S. If an agency believes the commodity or service continues to be available only from a single source, the agency must re-initiate the single source exemption process.

Specific Authority 287.042(12)(43) FS. Law Implemented 287.001, 287.057(5)(3)(c) FS. History—New 2-6-68, Revised 5-20-71, Amended 8-6-81, 2-28-85, 12-17-85, Formerly 13A-1.10, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.010, Amended 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00,

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
RULE CHAPTER NO.: 60A-1

RULE TITLE: Identical Responses Received  
RULE NO.: 60A-1.011

PURPOSE AND EFFECT: The purpose of this rule is to organize a series of various statutory mechanisms by which an agency may determine the winner of a competitive solicitation, in the event that multiple responses offer identical pricing.

SUMMARY: This rule organizes a series of statutory mechanisms designed to resolve situations in which an agency receives identical responses to a competitive solicitation.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.057(1),(12), 287.082, 287.087, 287.092 FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004  
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60A-1.011 follows. See Florida Administrative Code for present text.)

60A-1.011 Identical Responses Received.

(1) Criteria. When evaluating vendor responses to solicitations, if the agency is confronted with identical pricing or scoring (as applicable) from multiple vendors, the agency shall determine the order of award using the following criteria, in the order of preference listed below (from highest priority to lowest priority):

(a) The response certifies that the vendor is a minority-owned firm or company, certified by the Office of Supplier Diversity;

(b) The response is from a Florida-domiciled entity, as determined by the Department of State;

(c) If the response relates to manufactured commodities, the response provides for manufacturing such commodities within the state (in preference over any foreign manufacturer);

(d) If the response relates to manufactured commodities, the response provides for a foreign manufacturer that also has at least 200 employees working in the state (in preference over a foreign manufacturer with less than 200 employees working in the state); or

(e) The response certifies that a drug-free workplace has been implemented in accordance with s. 287.087, F.S.

(2) No Applicable Criteria. If none of the criteria in subsection (1) are applicable, the agency may determine the order of award by using the number of valid vendor complaints on file or by lot.

Specific Authority 287.042(12)(43) FS. Law Implemented 287.057(1), (12)(40), 287.082, 287.087, 287.092 FS. History--New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 2-13-83, 10-13-83, 3-1-84, Formerly 13A-1.11, Amended 11-3-88, 4-10-91, Formerly 13A-1.011, Amended \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations      RULE CHAPTER NO.: 60A-1

RULE TITLE: Insurance      RULE NO.: 60A-1.015

PURPOSE AND EFFECT: To amend references to the Department of Insurance, and to remove obsolete form PUR 7109. This rule will correctly identify relevant agencies and divisions therein.

SUMMARY: The rule makes technical amendments to Rule 60A-1.015, F.A.C., to correct references to the Department of Insurance, and removing the inclusion of an obsolete purchasing form related solely to insurance.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.022 FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004  
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.015 Insurance.

(1) Insurance shall be purchased for all agencies by State Purchasing whenever any part of the premium is paid by the State with the exception of title insurance for land acquisition, the State Group Health, and Life Programs, administered by the Department of Management Services and Self-Insurance Trust Fund administered by the Department of ~~Financial Services Insurance~~, Division of Risk Management. Agencies may make emergency purchases of insurance pursuant to Section 287.057(5)(3)(a), F.S. ~~All invitations to bid for the purchase of insurance coverage shall include the standard "State of Florida Invitation to Bid Insurance Coverage" Form PUR 7109 (Rev. 6-1-98), which is incorporated herein by~~

reference. Requests for the purchase, renewal or endorsement of insurance and bonds shall be initiated in writing by authorized personnel of the requesting agency and submitted to State Purchasing. No agency shall contact the agent of record representing the insurance carrier with the exception of reporting a claim.

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

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

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations                      RULE CHAPTER NO.: 60A-1

RULE TITLE: Delegation to State University System                      RULE NO.: 60A-1.019

PURPOSE AND EFFECT: To repeal Rule 60A-1.019. There is no effect to the repeal, because the entity referenced in 60A-1.019, F.A.C., (the State University System) no longer exists. More recent statutory changes relating to the state's educational structure have rendered this section obsolete.

SUMMARY: A repeal of Rule 60A-1.019, F.A.C., which delegates certain powers to the State University System, an entity which no longer exists.

SPECIFIC AUTHORITY: 240.225 FS.

LAW IMPLEMENTED: 287 FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004  
PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.019 Delegation to State University System.

Specific Authority 240.225 FS. Law Implemented 287 FS. History--New 6-1-97, Repealed \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations                      RULE CHAPTER NO.: 60A-1

RULE TITLE: State Purchasing Agreements                      RULE NO.: 60A-1.025

PURPOSE AND EFFECT: The purpose of this rule is to establish procedures for requesting a State Purchasing Agreement to be procured by the Department of Management Services and to establish the contractual terms and conditions that will apply to such Agreements.

SUMMARY: This rule establishes procedures and a form necessary to request a State Purchasing Agreement from the Department of Management Services. The rule also establishes terms and conditions applicable to all State Purchasing Agreements.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(2)(a) FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.025 State Purchasing Agreements.

(1) Requesting a State Purchase Agreement. The Department may establish State Purchasing Agreements for use by eligible users. State Purchasing Agreements are driven by eligible users' requirements, and eligible users may request that the Department establish such agreements by submitting to the Department PUR 7721 (02/04), "Request for State Purchasing Agreement," which is hereby incorporated by reference. The commodity or service the eligible user wishes to acquire must be valued at less than Category Two in order to comply with the competitive solicitation requirements of s. 287.057, F.S.

(2) Establishing a State Purchase Agreement. After receiving PUR 7721 from an eligible user, the Department will attempt to establish a State Purchasing Agreement with a supplier offering the best value for the requested commodity or service. The supplier must agree to the terms contained in PUR 7722 (02/04), "State Purchasing Agreement," which is hereby incorporated by reference.

Specific Authority 287.042(12) FS. Law Implemented 287.042(2)(a) FS. History--New \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
RULE CHAPTER NO.: 60A-1  
RULE TITLE: Interagency Planning and Cooperation  
RULE NO.: 60A-1.026  
PURPOSE AND EFFECT: This rule aggregates disparate prior rules addressing similar issues of interagency purchasing planning and cooperation. The effect of the rule is to streamline and clarify agency responsibilities.

SUMMARY: The rule requires agencies to provide certain purchasing information to the Department of Management Services, upon request.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(9),(10) FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.026 Interagency Planning and Cooperation.

(1) Upon the request of and in the manner provided by the Department, an agency shall furnish tabulated estimates of all supplies, materials, equipment, and services the agency anticipates it will require for a specified time.

(2) Agencies shall comply with Section 288.705, F.S., and shall upon request, furnish to the Department a copy of any or all agency term contracts or competitive solicitations. Such provision to the Department will not relieve the agency of its responsibilities or serve as the Department's approval of the competitive solicitation.

Specific Authority 287.042(12) FS. Law Implemented 287.042(9),(10) FS. History--New \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
RULE CHAPTER NO.: 60A-1  
RULE TITLE: State Term Contracts; Usage and Exclusivity; Exceptions  
RULE NO.: 60A-1.044

PURPOSE AND EFFECT: The purpose of this rule is to delineate the mandatory and optional users of state term contracts; provide an encouragement for state term contract vendors to extend discounted pricing to charitable entities; and to provide exceptions to the mandatory requirements.

SUMMARY: The rule states the requirements regarding state term contract usage and provides procedures for determining if an agency may exempt itself from those requirements.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.056(1) 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: 1:30 p.m. – 5:00 p.m., March 26, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.044 State Term Contracts; Usage and Exclusivity; Exceptions.

(1) State Term Contracts. State term contracts are indefinite quantity contracts competitively procured by the Department pursuant to Section 287.057, F.S., available for use by eligible users.

(2) Usage and Exclusivity. Section 287.056(1), F.S., mandates state term contract usage and exclusivity as follows:

(a) Agencies. Agencies are required to use state term contracts, except as provided in this rule.

(b) Eligible Users. Eligible users other than agencies may use state term contracts at their discretion. Eligible users purchasing from state term contracts assume and bear complete responsibility with regard to performance of any contractual obligation or term.

(c) Other Entities. The Department encourages its vendors to offer state term contract pricing to additional entities, particularly charitable entities recognized under section 501(c)(3) of the Internal Revenue Code. These entities are encouraged to review state term contracts and request identical pricing, which the vendor may grant at its discretion. Other entities purchasing from state term contracts assume and bear complete responsibility with regard to performance of any contractual obligation or term.

(3) Exceptions. An agency may purchase commodities or contractual services from other than the state term contract vendor(s) if:

(a) The purchase amount does not exceed the greater of \$250 or any threshold amount established in the state term contract; or

(b) The agency determines in writing that the contract item cannot meet an agency need because of one of these factors: critical delivery schedules, the need for compatibility with existing equipment, non-availability of service, applications of unique technical requirements, product quality, or specifications that differ from those of the contract commodities or services; or

(c) The state term contract expressly designates that it is a non-exclusive contract, which designation may be conditional, e.g., require any off-contract vendors to match or beat the contract price.

Specific Authority 287.042(12) FS. Law Implemented 287.056(1) FS. History—New \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
RULE TITLE: Alternate Contract Sources of Commodities and Services

RULE CHAPTER NO.: 60A-1  
RULE NO.: 60A-1.047

PURPOSE AND EFFECT: The purpose of this rule is to provide a uniform process and procedure for requesting approval of an alternate contract source; to delineate the Department of Management Services’s obligations relating to alternate contract source approvals; and to provide agencies with suggested language allowing agency contracts to be potentially approved as alternate contract source vehicles. This rule will streamline the alternate contracts source request process and provide increased efficiency for requesting agencies and the Department of Management Services.

SUMMARY: This rule provides uniform procedures and forms for requesting approval of an alternate contract source; delineates the Department of Management Services’s obligations relating to alternate contract source requests; and offers agencies suggested language relating to potential alternate contract source approval.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(16) 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: 1:30 p.m. – 5:00 p.m., March 26, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.047 Alternate Contract Sources of Commodities and Services.

(1) Requests for alternate contract source approval. Agencies may request permission from the Department to purchase commodities or services from term contracts or requirements contracts competitively established by other governmental entities. Agencies must submit Form PUR 7102, "Agency Request for Review of Alternate Contract Source," which is hereby incorporated by reference, in order to request permission. The contract must contain specific language or other legal authority authorizing third parties to make purchases from the contract with the vendor's consent.

(2) Approval of alternate contract source requests. If the Department determines that the agency's alternate contract source is cost-effective and in the best interest of the State, the Department shall approve the contract for use by the requesting agency. The Department reserves the right to approve the contract for a single transaction or multiple transactions.

(3) Department identification of alternate contract sources. The Department may independently identify term contracts or requirements contracts awarded by other governmental entities, and approve such alternate contract sources for use by agencies.

(4) Alternate contract sources available online. The Department shall maintain on its website a list of all current alternate contract sources and the agencies authorized to use such contracts.

(5) Cooperative Purchasing. An agency may include language in a term contract authorizing the Department to approve the contract as an alternate contract source if requested by another agency. The Department recommends the following sentence: "As provided in Section 287.042(16)(a), F.S., other state agencies may purchase from the resulting contract, provided that the Department of Management Services has determined that the contract's use is cost-effective and in the best interest of the State. Upon such approval, the Contractor may, at its discretion, sell these commodities or services to additional agencies, upon the terms and conditions contained herein."

Specific Authority 287.042(12) FS. Law Implemented 287.042(16) FS. History--New

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Inspections

RULE NO.: 61G8-22.002

PURPOSE AND EFFECT: The Board proposes to amend the criteria for the type of containers necessary for transportation of bodies.

SUMMARY: This proposed rule amendment specifies the criteria for types of containers required for the transportation of bodies and inspections prior to issuance and renewal of licenses.

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: 470.025(2) FS.

LAW IMPLEMENTED: 470.025(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: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-22.002 Inspection.

Each cinerator facility shall be inspected prior to the issuance and renewal of its license and shall meet the following criteria:

(1) through (3) No change.

(4) Either have on site or immediately available sufficient gasketed metal sealed containers of a type required for the transportation of bodies as specified in Rule 10D-37.012, F.A.C.

(5) through (7) No change.

Specific Authority 470.025(2) FS. Law Implemented 470.025(2) FS. History--New 2-13-80, Amended 9-28-83, Formerly 21J-22-02, Amended 4-1-90, Formerly 21J-22.002, Amended 3-30-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2004

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

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

RULE NO.: 61G10-11.0035

PURPOSE AND EFFECT: The Board proposes to exempt spouses of members of the Armed Forces from licensure renewal provisions.

SUMMARY: The proposed rule amendment sets forth the criteria for the exemption of spouses of members of the Armed Forces from licensure renewal 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 to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCE IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-11.0035 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the Armed

Forces shall be exempt from all licensure renewal provisions of the Department during such absence so long as the spouse in the Armed Forces was in good standing with the military during the absence. The licensee must show proof to the department of the absence, its cause and the spouse's military status.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2003

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Medical Errors

RULE NO.: 64B3-5.001

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

SUMMARY: The Board is repealing the rule relating to Medical 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: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(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., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257



THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-5.001 Medical Errors.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History--New 8-7-02, Repealed.

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: October 24, 2003

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLES: RULE NOS.:  
Licensure Examinations 64B3-7.001  
Testing Service 64B3-7.002

PURPOSE AND EFFECT: The Board proposes to repeal the existing rules.

SUMMARY: The Board is repealing the rules relating to Licensure Examinations and the Department's Testing Service.

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: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(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 RULE IS: Joe Baker, Jr., Board 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:

64B3-7.001 Licensure Examinations.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 5-12-93, Formerly 21KK-7.001, 61F3-7.001, Amended 12-5-95, Formerly 59O-7.001, Amended 3-19-98, 6-23-98, 7-1-99, 4-10-01, 4-29-02, Repealed.

64B3-7.002 Testing Service.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 59O-7.002, Repealed.

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: October 24, 2003

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: RULE NO.:  
Scope of Practice Relative to Specialty of Licensure 64B3-10.005

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

SUMMARY: In addition to reorganizing provisions, the Board explains the purpose and scope of andrology and embryology and the testing procedures that are involved, not to include sperm count and motility.

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: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 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:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (14) No change.

(15) The purpose of the specialty of histocompatibility is to insure the best possible results of the determination of tissue compatibility, prevent transmitted infections, and to investigate and evaluate post-transplant problems. The specialty encompasses blood typing, HLA typing, HLA antibody

screening, disease markers, Cluster Designation specific to tissue compatibility, flow cytometry, crossmatching, HLA antibody identification, lymphocyte immunophenotyping, immunosuppressive drug assays, allogenic, isogenic and autologous bone marrow processing and storage, mixed lymphocyte culture, stem cell culture, cell mediated assays, and assays for the presence of cytokines. ~~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 ABHI approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.~~

(16) through (18) No change.

(19) The purpose of the specialties of andrology and embryology is to quantitatively and qualitatively evaluate gametes and embryos as well as their associated fluids and tissues, their production, maturation and release, their morphology, numbers and motility, chemistry and function, cellular development, and diagnostic testing for optimum management of primary and secondary infertility, fertility assessment, and fertility preservation. This would encompass all testing and procedures involved in the production and storage of gametes and embryos, including micro-techniques and cryopreservation of gametes, embryos, associated fluids and tissues. Simple sperm count and motility could be excluded from the category of andrology.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History--New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02, 10-30-02, \_\_\_\_\_.

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: October 24, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Conduct Governing Registered Pharmacists and Pharmacy Permittees  
RULE NO.: 64B16-27.104

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish standards of practice for the dispensing of prescriptions received over the internet.

SUMMARY: The proposed rule amendment sets forth the requirements for dispensing a prescription generated through the internet either pursuant to the Standards for Telemedicine Prescribing Practice or the confirmation of a valid patient-medical health care practitioner relationship.

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

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

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.018, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.022, 465.024 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.104 Conduct Governing Registered Pharmacists and Pharmacy Permittees.

(1) through (5) No change.

(6) No pharmacist shall dispense a medicinal drug if a pharmacist has actual knowledge that the prescription for the medicinal drug was prescribed in a manner which does not comply with the Standards for Telemedicine Prescribing Practice set forth in Rule 64B8-9.014, F.A.C., or Rule 64B15-14.008, F.A.C., if those rules apply to the health care practitioner who created the prescription. In the absence of such actual knowledge a pharmacist shall be entitled to rely upon the compliance of the health care practitioner with those rules. If the prescription was created by a health care practitioner whose practice is not subject to the above-cited rules and is received over the internet as that term is defined in subsections 64B16-28.871(1) and (2), F.A.C., a pharmacist shall be required to confirm that the practitioner has a valid patient-medical health care practitioner relationship with a person authorized by law to prescribe drugs who has taken an appropriate patient history and who has had a face-to-face or visual encounter with the patient.

Specific Authority 465.005, 465.0155, 465.018, 465.022 FS. Law Implemented 465.018, 465.022, 465.024 FS. History--New 10-20-81, Formerly 21S-1.20, 21S-1.020, Amended 7-30-91, Formerly 21S-27.104, 61F10-27.104, 59X-27.104, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2003

## DEPARTMENT OF HEALTH

### Board of Pharmacy

RULE TITLE: Internet Permit  
 RULE NO.: 64B16-28.871

PURPOSE AND EFFECT: The Board proposes a new rule to establish an internet permit and to provide standards for pharmacy practice when utilizing the internet.

SUMMARY: The proposed rule addresses the requirements of pharmacy practice via the internet.

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

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

SPECIFIC AUTHORITY: 465.005, 465.0155, 466.022(1)(a)-(c),(f) FS.

LAW IMPLEMENTED: 465.015(2)(c), 465.0155, 465.0196, 465.022(1)(a)-(c),(f), 465.026 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 64B16-28.871 Internet Permit.

(1) As used herein the term "internet" means:

(a) The computer network commonly known as the Internet and any other computer network that is similar to or is a predecessor or successor of the Internet.(b) Any identifiable site on the Internet or such other computer network.

(2) The term "internet" includes, without limitation:

(a) A website or other similar site on the World Wide Web.

(b) A site that is identifiable through a Uniform Resource Location.

(c) A site on a computer network that is owned, operated, administered, or controlled by a provider of Internet service.

(d) An electronic bulletin board.

(e) A list server.

(f) A newsgroup.

(g) A chat room.

(3) An Internet Pharmacy is a pharmacy that utilizes the Internet for the reception of prescriptions, as defined in Section 465.003(14), Florida Statutes, for medicinal drugs as defined in Section 465.003(8), Florida Statutes, which it will then dispense to patients. Such a pharmacy shall obtain a Special Permit issued by the Board and comply with the following requirements; provided however, that an existing community pharmacy permittee may perform internet pharmacy functions without obtaining an additional permit under this section so long as such permittee complies with the following provisions.

(4) The Internet Pharmacy shall:

(a) Comply with all requirements of Chapter 64B16, F.A.C., and Chapter 465, Florida Statutes, which apply to community pharmacies.

(b) Maintain and enforce policies and procedures:

1. That assure the integrity, legitimacy, and authenticity of the prescription. When a prescription is transmitted to the pharmacy by way of facsimile transmission or other means as described in Rule 64B16-28.130, F.A.C., that transmission shall serve as the original prescription and the pharmacy shall advise the patient at the time of delivery of the medicinal drug that the prescription has been filled and may not be presented to another pharmacy for filling.

2. That assure that medicinal drugs are not dispensed in a manner which violates the standard of practice set forth in subsection 64B16-27.104(6), F.A.C.

3. Ensuring reasonable verification of the identity of the patient, prescribing health care practitioner, and if appropriate, the caregiver, in accordance with Chapters 465 and 893, Florida Statutes, and these rules.

4. Ensuring patient medication profiles and other related data are maintained in a readily accessible format and in a manner that facilitates consultation with the prescribing health care practitioner, the patient or the caregiver.

5. To assure patient confidentiality and the protection of patient identity and patient-specific information from inappropriate or nonessential access, use or distribution while such information is being transmitted via the internet and while the pharmacy possesses such information.

6. To assure that the prescription being filled was written and issued by a health care practitioner authorized to prescribe medicinal drugs and to assure that the medicinal drug dispensed is pursuant to such a prescription.

7. Requiring pharmacists to offer meaningful interactive consultation to the patient or caregiver.

8. Establishing a mechanism for patients to report suspected adverse drug reactions and errors and to provide for the pharmacy to take appropriate action regarding such suspected adverse drug reactions and errors.

9. That provide a mechanism to contact the patient and if necessary the prescribing health care practitioner if an undue delay is encountered in delivering the prescribed medicinal

drugs. "Undue delay" is defined as an extension of the normal delivery cycle sufficient to jeopardize or alter the patient treatment plan.

10. Establishing mechanisms to inform patients or caregivers about drug recalls.

11. Establishing mechanisms to educate patients and caregivers about appropriate means to dispose of expired, damaged or otherwise unusable medicinal drugs.

(c) Conduct a prospective drug use review prior to the dispensing of a medicinal drug.

(d) Not pay or receive any commission, bonus, kickback, or rebate or engage in any split fee arrangement in any form whatsoever which would violate the provisions of Section 465.185, Florida Statutes.

(e) In accordance with State and Federal laws and regulations:

1. Ship controlled substances via a secure and traceable means.

2. Assure that medicinal drugs are maintained with appropriate temperature, light, and humidity standards, as established by the United States Pharmacopoeia, during drug storage and shipment.

3. Comply with all applicable State and Federal law and regulations regarding the sale of over-the-counter products identified as precursors to the manufacture of or compounding of illegal drugs.

4. Maintain a Continuous Quality Improvement Program as described in Rule 64B16-27.300, F.A.C.

(f) Provide during its regular hours of operation, but not less than 6 days per week, for a minimum of 40 hours per week, a toll-free telephone service to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number must be disclosed on the label affixed to each container of dispensed medicinal drug.

Specific Authority 465.005, 465.0155, 466.022(1)(a)-(c),(f) FS. Law Implemented 465.015(2)(c), 465.0155, 465.0196, 465.022(1)(a)-(c),(f), 465.026 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2003

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

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

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

#### DEPARTMENT OF MANAGEMENT SERVICES

##### Division of Facilities Management

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60H-1 Leases for Real Property

RULE NOS.: RULE TITLES:

60H-1.001 Definitions

60H-1.003 Standard Lease Agreement Form

60H-1.015 Leases of 5,000 Square Feet or More

60H-1.017 Turnkey (Lease) Construction Program

60H-1.029 Evaluation of Responses

#### NOTICE OF CHANGE

Notice is given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to proposed Chapter 60H-1, F.A.C., published in F.A.W., Page 312, Vol. 30, No. 4, on January 23, 2004. The changes are in response to comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC) and comments made at the public hearing held on February 20, 2004. Changes were made to Rules 60H-1.001, 60H-1.003, 60H-1.015, 60H-1.017, and 60H-1.029, F.A.C., so that they now read:

60H-1.001 Definitions.

For the purposes of this Chapter, each of these words shall have the following meaning:

(1) through (12) No change.

(13) Competitive Solicitation – Means an invitation to bid, a request for proposals, or an invitation to negotiate.

Specific Authority 255.249, 255.25, 255.503(11) FS. Law Implemented 255.25(2), 255.503 FS. History--New 8-11-75, Amended 8-27-75, 4-25-79, Formerly 13D-7.01, Amended 3-18-86, Formerly 13M-1.001.

60H-1.003 Standard Lease Agreement Form.

(1) All agency leases shall be on the Department of Management Services' Standard Lease Form (FM Form 4054, effective August 11, 1975, as revised May, 2001 ~~and January, 2004~~, incorporated by reference in this rule).

(2) through (6) No change.

~~(7) Communication Facilities. A lease of any square footage for communication purposes, or to house communication equipment or personnel, must have prior approval of the State Technology Office.~~

Specific Authority 255.249(5), 255.25(2) FS. Law Implemented 255.249(2)(j),(k),(3), 255.25(2)(a),(b) FS. History--New 8-11-75, Amended 4-25-79, Formerly 13D-7.03, Amended 3-18-86, Formerly 13M-1.003, Amended 9-30-96, 5-13-03, \_\_\_\_\_.

60H-1.015 Leases of 5,000 Square Feet or More.

(1) No change.

(2) Solicitation.

(a) A public solicitation for responses will be widely publicized using newspapers (a minimum of twice, with a week between notices) ~~or an established internet web site~~, and personal contact with owners, developers or licensed real estate brokers in the city or area in which space is desired.

(b) Solicitation shall ~~should~~ set forth, ~~but shall not be limited to~~ the following:

1. Approximate net square footage required.
2. General area in which space must be located.
3. Date space must be available.
4. Name and address where specifications may be obtained.

(3) No change.

(4) Responses.

(a) Responses shall specifically respond ~~but need not be limited to~~ each item included in the specifications.

(b) No change

(5) Evaluation.

(a) The user agency, in conjunction with its designated representative, shall reserve the right to accept or reject any or all responses submitted and if necessary reinitiate procedures for soliciting competitive responses. The user agency, in conjunction with its designated representative, shall reserve the right to negotiate, ~~serially, concurrently, or separately~~ with competing lessors.

(b) The user agency, in conjunction with ~~or~~ its designated representative, in ~~conjunction with~~ preparing specifications, shall develop evaluation criteria. Rental, using total present value methodology for basic term of lease and applying the present value discount rate pursuant to Rule 60H-1.029, Florida Administrative Code; the cost of relocation, if any; consolidation of activities, if desirable; and any other factor deemed necessary should be considered.

(c) The evaluation shall be made by the user agency in conjunction with its designated representative.

(d) Selection shall be made by the user agency; in conjunction with ~~and~~ its designated representative.

(e) Documentation to support the selection shall be maintained by the user agency, in conjunction with ~~or~~ its designated representative, and shall include ~~but not be limited to~~ the following:

1. A copy of all advertisements and solicitations.
2. A copy of the proposed specifications.
3. A copy of all proposals received.
4. A synopsis of the user agency's findings for each response.

(f) No change.

(6) Lease preparation and approval.

(a) No change.

(b) Documentation to be submitted for lease approval shall include:

1. A copy of the competitive solicitation and a copy of the response made by successful lessor.
2. A synopsis of the user agency's, ~~or its designated representative's~~ findings made in conjunction with its designated representative for all responses received.
3. Present value calculations for all responses.

Specific Authority 255.249(4) FS. Law Implemented 255.249(2)(b), 255.249(4), 255.21, 255.25(3),(5), 255.254 FS. History--New 4-25-79, Amended 4-19-83, Formerly 13D-7.092, Amended 3-18-86, Formerly 13M-1.015, Amended 2-21-96, 5-13-03, \_\_\_\_\_.

60H-1.017 Turnkey (Lease) Construction Program.

(1) Concept. The turnkey system is a concept whereby the builder is usually a commercial developer and the procedure should provide for design of the building by the developer's architect on the basis of performance specifications, concurrent design review, use of a developer-owned site and private financing.

The turnkey system may include several features which can be expected to motivate effective performance. Under this system, the entire design and construction effort is usually carried out by a developer. A major motivation is the requirement that he finance the project until the building is accepted. This provides an incentive to expedite construction in order to minimize the cost of financing. A further motivation is the fact that the State will not accept the building if it does not meet the requirements of the performance specifications. It is recommended that the turnkey (lease) construction system be used whenever and wherever State User Agency need arises and a determination has been made that existing space is not available. To implement use of this system, the Department of Management Services requires the User Agency or its designated representative to set forth its program construction requirements in a competitive solicitation, which will then be used by the User Agency or its designated representative in the solicitation of responses from Developers. A public solicitation of responses from Developers will be made by the User Agency or its designated representative. This solicitation will

be widely publicized using newspapers, trade papers, ~~or a commonly recognized internet website~~, and personal contact with leading Developers in the project city or area. In carrying out the public solicitation, all parties should be clearly informed that the User Agency, in conjunction with the Department of Management Services, or its designated representative, may conduct extensive negotiations with each Developer submitting a response within a competitive range, prior to the selection of Approved Developer.

(2) Criteria. The State User Agency in conjunction with ~~or~~ its designated representative will perform the program in accordance with the Department of Management Services' guidelines, as presented herein.

User Agency Responsibilities:

(a) No change.

(b) Agency prepares performance specifications, optimum site and building requirements, unique planning information, Standard Lease Agreement form (FM Form No. 4054), and the intended User's program to be submitted (distributed) to all Developers.

(c) through (f) No change.

Specific Authority 255.249, 255.25 FS. Law Implemented 255.25(1), (2)(a) FS. History--New 8-11-75, Formerly 13D-7.10, Amended 3-18-86, Formerly 13M-1.017, Amended 2-21-96, \_\_\_\_\_

60H-1.029 Evaluation of Responses.

(1) through (2) No change.

(3) All agencies shall reserve the right to reject any and all responses for reasons which shall include ~~but not be limited to~~ the following:

- (a) The agency's budgetary constraints, and
(b) The best interests of the state.

Specific Authority 255.249(4)(b) FS. Law Implemented 255.25 FS. History--New 12-18-84, Formerly 13D-7.19, 13M-1.029, Amended \_\_\_\_\_

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE. Row 1: 60H-2, Space Allocations in State-Owned Office Buildings And Privately-Owned Office Buildings

Table with 2 columns: RULE NOS. and RULE TITLES. Row 1: 60H-2.001, Definitions; Row 2: 60H-2.002, Space Allocation; Row 3: 60H-2.0021, Space Allocation and Configuration Standards; Row 4: 60H-2.003, Space Measurement

NOTICE OF CHANGE

Notice is given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to proposed Chapter 60H-2, F.A.C., published in FAW, Page 318, Vol. 30, No. 4, on January 23, 2004. The changes are in response to comments submitted by the staff of the Joint

Administrative Procedures Committee (JAPC) and comments made at the public hearing held on February 20, 2004. Changes were made to Rules 60H-2.001, 60H-2.002, 60H-2.0021, and 60H-2.003, F.A.C., so that they now read:

60H-2.001 Definitions.

(1) through (7) No change.

(8) State-owned building - any state-owned office building as defined under Section 255.248, Florida Statutes, and specifically excluding Supreme Court building pursuant to Section 272.04, F.S.

(9) No change.

Specific Authority 255.249, 255.503(11) FS. Law Implemented 272.04, 288.18(2), 255.249(1), (2), 255.503 FS. History--New 8-11-75, Amended 4-25-79, Formerly 13D-8.01, Amended 3-18-86, Formerly 13M-2.001, Amended \_\_\_\_\_

60H-2.002 Space Allocation.

(1) through (3) No change.

Specific Authority 255.249, 255.503(11) FS. Law Implemented 255.249(4)(d), 272.04, 288.18(2), 255.249(1), (2), 255.503 FS. History--New 8-11-75, Amended 4-25-79, Formerly 13D-8.02, Amended 3-18-86, Formerly 13M-2.002, Amended \_\_\_\_\_

60H-2.0021 Space Allocation and Configuration Standards.

(1) through (2) No change.

(3) General Guidelines.

(a) All requirements of rules governing the Americans with Disabilities Act (ADA), ~~safety, and security~~, will be followed when designing new space or reconfiguring existing office areas.

(b) through (d) No change.

(4) No change.

Specific Authority 255.249(4)(d), 255.503(11), 272.04 FS. Law Implemented 255.249(1),(4)(d), 255.503(2) FS. History--New \_\_\_\_\_

60H-2.003 Space Measurement.

(1) No change.

(2) Method. The standard method of measuring office floor area shall be "usable square feet" and in accordance with the Standard Method for Measuring Floor Area in Office Buildings, BOMA/ANSI Z65.1-1996, available online at www.boma.org, or at Publication Orders/BOMA International, P. O. Box 79330, Baltimore, MD 21279-0330.

Specific Authority 272.04, 288.18, 255.25, 255.249 FS. Law Implemented 272.04, 288.18(2), 255.25(2), 255.249(2)(c) FS. History--New 8-11-75, Amended 4-25-79, Formerly 13D-8.03, 13M-2.003, Amended \_\_\_\_\_

DEPARTMENT OF MANAGEMENT SERVICES

State Retirement Commission

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE. Row 1: 60R-1, State Retirement Commission; Row 2: 60R-1.00481, Medical Evidence

NOTICE OF CHANGE

Notice is hereby given that in accordance with subparagraph 120.54(3)(d), F.S., proposed Rule 60R-1.00481, Florida Administrative Code, published in the December 26, 2003, issue of the Florida Administrative Weekly, Vol. 29, No. 52, page 5088, has been changed to reflect comments received from the Joint Administrative Procedures Committee.

Rule 60R-1.00481 now reads:

(1) Competent medical evidence of ~~impairment a total and permanent disability~~ is required for a determination of disability retirement eligibility.

(2) Competent medical evidence of ~~an impairment a total and permanent disability~~ requires testimony by a licensed physician, either at the hearing, or in a deposition, in which the member and the Division of Retirement had an opportunity to participate.

(3) In cases of eligibility for in line of duty disability benefits, competent medical evidence shall be required showing that an injury or illness, arising out of and in the actual performance required by the member's employment, was the substantial producing cause ~~or aggravating cause~~ of the member's total and permanent disability.

(4) Medical records alone shall be insufficient to support a finding of disability retirement eligibility.

(5) Determinations of disability in proceedings before other tribunals are not binding on the Commission.

Specific Authority 121.031(1) FS. Law Implemented 120.57, 120.58, 121.23, 121.24 FS. History--New 9-30-93, Amended 10-6-99, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tommy Wright, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0950, (850)487-1082

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.: 61G3-21.014  
RULE TITLE: Suspension

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. 45, of the November 7, 2003, Florida Administrative Weekly.

The rule(s) shall now read as follows:

The Board shall suspend any license issued pursuant to Chapter 476, Florida Statutes, in any case where the licensee is engaged in:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(2) The Board shall consider the aggravating and mitigating circumstances listed in Rule 61G3-21.002, F.A.C., when applying this rule.

Specific Authority 455.2273, 476.024 FS. Law Implemented 455.2273(3), 476.214 FS. History--New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Barbers' 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 Medicine**

RULE NO.: 64B8-1.007  
RULE TITLE: List of Approved Forms; Incorporation

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 48, of the November 26, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures. When changed subsection (21) shall read as follows:

(21) DH-MQA 1076, entitled "Extension of Temporary Licensure Application," (2/04).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-6.0035  
RULE TITLE: Physician Assistant Licensure Renewal and Reactivation

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. 44, of the October 31, 2003, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

The Board, at its meeting held on February 20, 2004, in Ft. Lauderdale, Florida, voted to make changes to the rule. The changes are as follows:

1. Subsection (4) shall now read as follows:

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as a physician assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must:

1. Successfully complete the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council; and

2. Practice under the direct supervision of a supervising physician approved by the Council for one (1) year

3. In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA;

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-6.0035(2)(c), (d), (e), (f) and (g), F.A.C., for each biennium in which the license was inactive;

(f) Pay the appropriate fees.

2. Subsection (7) shall now read as follows:

(7) The failure of any license holder to renew the license on or before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must apply for active or inactive license status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to apply for active or inactive status before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for active or inactive licensure shall:

1. File with the Department the completed application for either active or inactive license;

2. Pay to the Board the applicable license renewal fee, the delinquency fee, and if applicable, the processing fee; and

3. If active status is elected, demonstrate compliance with the continuing education requirements found in Rule 64B15-6.0035, F.A.C.

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:	RULE TITLE:
64B15-14.009	Standards for Office Based Opioid Addiction Treatment

**SECOND 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. 40, of the October 3, 2003, issue of the Florida Administrative Weekly (FAW). A previous Notice of Change published in the December 26, 2003, FAW. The changes are in response to additional written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board reviewed the Committee's comments at its meeting held on February 20, 2004, in Ft. Lauderdale, Florida, and voted to make the following changes.

Subsection (5) of the rule shall now read as follows:

(5) Guidelines. The Board has adopted the following guidelines when evaluating the documentation and treatment of opioid addiction under the Drug Addiction Treatment Act:

(a) Evaluation of the Patient. A recent, complete medical history and physical examination must be documented in the medical record. The medical record shall document the nature of the patient's addiction(s), evaluate underlying or coexisting diseases or conditions, the effect on physical and psychological function, and history of substance abuse and any prior treatments.

(b) Treatment Plan. The written treatment plan shall state objectives that will be used to determine treatment success, such as freedom from intoxication, improved physical function, psychosocial function and compliance and shall indicate if any further diagnostic evaluations are planned, as well as mental health and/or substance abuse counseling, psychiatric management or other ancillary services including development and compliance with a recovery program. This plan shall be reviewed periodically. After treatment begins, the physician shall adjust drug therapy to the individual medical needs of each patient. Treatment goals, other treatment modalities or a rehabilitation program shall be evaluated and discussed with the patient. If possible, every attempt shall be made to involve significant others or immediate family members in the treatment process, with the patient's consent. The treatment plan shall also contain contingencies for treatment failure.



(c) Informed Consent and Agreement for Treatment. The physician shall discuss the risks and benefits of the use of approved opioid medications with the patient and, with appropriate consent of the patient or when appropriate the patient's agent. The patient shall receive opioids from only one physician and/or one pharmacy when possible. The physician shall employ the use of a written agreement between physician and patient or patient's agent addressing such issues as:

1. Alternative treatment options;
2. Regular toxicologic testing for drugs of abuse and therapeutic drug levels (if available and indicated);
3. Number and frequency of all prescription refills; and
4. Reasons for which drug therapy may be discontinued (i.e.; violation of agreement).

(d) Periodic Patient Evaluation. Patients shall be seen at reasonable intervals (at least weekly during initial treatment) based upon the individual circumstance of the patient. Periodic assessment is necessary to determine compliance with the dosing regimen, effectiveness of treatment plan, and to assess how the patient is responding to the prescribed medication. Once a stable dosage is achieved and urine (or other toxicologic) tests are free of illicit drugs, less frequent office visits may be initiated (monthly may be reasonable for patients on a stable dose of the prescribed medication(s) who are making progress toward treatment objectives). Continuation or modification of opioid therapy shall depend on the physician's evaluation of progress toward stated treatment objectives such as:

1. Absence of toxicity;
2. Absence of medical or behavioral adverse effects;
3. Responsible handling of medications;
4. Compliance with all elements of the treatment plan (including recovery-oriented activities, psychotherapy and/or other psychosocial modalities); and
5. Abstinence from illicit drug use. If reasonable treatment goals are not being achieved, the physician shall re-evaluate the appropriateness of continued treatment or modification.

(e) Consultation. The physician shall refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. The physician shall pursue a team approach to the treatment of opioid addiction, including referral for counseling and other ancillary services. Ongoing communication between the physician and consultants is necessary to ensure appropriate compliance with the treatment plan. This may be included in the formal treatment agreement between the physician and patient. Special attention shall be given to those patients who are at risk for misusing their medications and those whose living or work arrangements pose a risk for medication misuse or diversion. The management of addiction in patients with comorbid psychiatric disorders requires extra care, monitoring, documentation and consultation with or referral to a mental health professional.

(f) Medical Records. The medical record shall document the suitability of the patient for office-based treatment based upon the standard of care. Records shall remain current and be maintained in an accessible manner and readily available for review. The physician must adhere to confidentiality requirements which apply to the treatment of drug and alcohol addiction, including the prohibition against release of records or other information, except pursuant to a proper patient consent or court order, or in cases of true medical emergency or for the mandatory reporting of child abuse. The prescribing physician must keep accurate and complete records to include:

1. The medical history and physical examination;
2. Diagnostic, therapeutic and laboratory results;
3. Evaluations and consultations;
4. Treatment objectives;
5. Discussion of risks and benefits;
6. Treatments;
7. Medications (including date, type, dosage, and quantity prescribed and/or dispensed to each patient);
8. A physical inventory of all Schedules III, IV, and V controlled substances on hand that are dispensed by the physician in the course of maintenance or detoxification treatment of an individual;
9. Instructions and agreements; and
10. Periodic reviews.

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

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## Section IV Emergency Rules

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

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

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Dentistry hereby gives notice that it has received a Petition, filed on February 23, 2004, from Samuel Zfaz, D.D.S., seeking a waiver or variance of subsection 64B5-2.0146(2), Florida Administrative Code, with respect to the requirements applicants successfully complete remediation to the level of a graduating senior and obtain a letter from the dean of the dental school.

The Board will consider the Petition on March 26, 2004, at 8:00 a.m., or shortly thereafter, at the Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida 32301, (850)224-6000.

Comments on this Petition should be filed with the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the Petition, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

The Board of Massage Therapy hereby gives notice that the Petition for Variance or Waiver filed by Sandra Weinrib on December 16, 2003, and published in the December 26, 2003, Vol. 29, No. 52 issue of the F.A.W. has been withdrawn.

For a copy of the petition, contact: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

The Board of Massage Therapy hereby gives notice that the Petition for Declaratory Statement filed by State Farm Mutual Automobile Insurance Company on November 13, 2003, and published in the December 19, 2003, Vol. 29, No. 51 issue of the F.A.W. has been withdrawn.

A copy of the Petition for Declaratory Statement may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

The Board of Medicine hereby gives notice that it has received a petition filed on February 22, 2004, on behalf of William Kilgus, M.D., seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to required verification of the applicant's medical education directly from the medical school.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Department of Health gives notice that it has granted a petition, which was filed on June 16, 2003, by Doucet & Mainka, P.C., on behalf of Condor Healthcare Services, LLC. The Petitioner sought a permanent waiver of paragraph 64E-16.007(4)(c), F.A.C., pertaining to the requirement for a Log 6 kill against Poliovirus or similar pathogens. For notice of receipt of the petition see FAW, Vol. 29, No. 37, September 12, 2003. The basis of the approval is unnecessary hardship where the Department intends to repeal this rule requirement for documentation of efficacy of alternative biomedical waste treatment processes.

For a copy of the order granting the petition, contact: Richard McNelis, Department of Health, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

NOTICE IS HEREBY GIVEN that the Department of Health received a Petition for Waiver on December 12, 2003 from Encore Senior Village at Greenacres and at Naples for the use of residential dishwashers, which meet the National Sanitation Foundation (NSF) Standard 184, in their satellite kitchens. The petition seeks relief from subparagraph 64E-11.006(1)(m)3., F.A.C., which specifies the final rinse temperature and other requirements.

Comments on the petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

For a copy of the petition, contact: Ric Mathis, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

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

### DEPARTMENT OF STATE

The **Department of State, State Library and Archives of Florida** announces a two-day workshop on return on investment methodology. This workshop is being conducted as part of a federally-funded study being conducted to measure taxpayer return on investment in public libraries in Florida.

DATES AND TIMES: Thursday, March 11, 2004, 10:00 a.m. – 5:00 p.m.; Friday, March 12, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Hampton Inn Homewood Suites – Tallahassee, 2987 Apalachee Parkway, Capital I Room and Governor Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This interactive workshop will join representatives of State Library and Archives of Florida, key stakeholder groups, and public library directors to discuss approaches to craft a Return on Investment approach for this study.

For additional information contact: Judith A. Ring, State Librarian, (850)245-6604 or Suncom 205-6604.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6604 or TDD (850)245-6688.

The **Southeast Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 18, 2004, 11:00 a.m.

PLACE: The Captain Francis A. Hendry House, 512 Fraser Avenue, LaBelle, Florida 33935

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Southeast Florida Regional Preservation Office, Florida Division of Historical Resources, FDOS, 20 North Swinton Avenue, Delray Beach, Florida 33444.

Should any person wish to appeal any decision made with respect to the above referenced meeting, s/he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance, (561)279-1475.

### DEPARTMENT OF LEGAL AFFAIRS

The Legislative 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: Friday, March 12, 2004, 12:00 Noon

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.

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 16, 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.

The Legislative 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: Friday, March 19, 2004, 12:00 p.m.

PLACE: Call (850)414-3300 for information on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

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

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Sturgeon Production Working Group to which all interested persons are invited.

DATE AND TIME: March 31, 2004, 10:00 a.m. – 1:00 p.m.

PLACE: University of Florida, Institute of Food and Agricultural Science, 7922 N. W. 71st Avenue, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Sturgeon Production Working Group is responsible for coordinating the implementation of a state sturgeon production management plan to promote the commercial production and stock enhancement of sturgeon. The workshop will address administrative issues, status of commercial sturgeon production in Florida, and sturgeon production as it relates to the Endangered Species Act.

A copy of the agenda may be obtained by writing: Division of Aquaculture, 1203 Governor's Square Blvd, Fifth Floor, Tallahassee, Florida 32301.

ADA NOTICE: If an accommodation is needed for a disability in order to participate in the public workshop, please notify the Division of Aquaculture of the Department of Agriculture and Consumer Services by calling (850)488-5471, at least seven days prior to the public workshop.

**DEPARTMENT OF EDUCATION**

The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited:

DATE AND TIME: Wednesday, March 24, 2004, 9:30 a.m. – 12:30 p.m.

PLACE: Room 1721/25, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the items to be addressed may be obtained by contacting: Office of Articulation, Florida Department of Education, Room 1401, Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0427 or Suncom 205-0427.

The public is invited to a meeting of the **State Board of Education** to which all interested persons are invited.

DATE AND TIME: March 16, 2004, 8:30 a.m.

PLACE: 325 West Gaines Street, Room 1703/1707, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes of meeting held February 17, 2004; Updates on various reports and status on education initiatives by Commissioner and Chairman. Action items will include

Hernando Academies of America Elementary vs. the School Board of Hernando County; Hernando Academies of America Middle vs. the School Board of Hernando County; MACH 4 Charter Academy of Orange County vs. the School Board of Orange County; The Progressive Ranch School vs. the School Board of Sarasota County; Flagler Academies of Excellence Middle School vs. the School Board of Flagler County; Flagler Academies of Excellence Elementary School vs. the School Board of Flagler County; Proposed Amendment to Rule 6A-6.030191, F.A.C., Development of Educational Plans for Exceptional Students Who Are Gifted; Proposed Amendment to Rule 6A-6.03020, F.A.C., Specially Designed Instruction for Students Who Are Homebound or Hospitalized; Proposed Amendment to Rule 6A-6.03028, F.A.C., Development of Individual Educational Plans for Students with Disabilities; Proposed Amendment to Rule 6A-6.030281, F.A.C., Development of Services Plans for Students with Disabilities Enrolled in Private School by their Parents and Provided with Specially Designed Instruction and Related Services by the Local School Board; Proposed Amendment to Rule 6A-6.03029, F.A.C., Development of Family Support Plans for Children with Disabilities Ages Birth through Five Years; Proposed Amendment to Rule 6A-6.03032, F.A.C., Procedural Safeguards for Children with Disabilities Ages Birth through Two Years; Proposed Amendment to Rule 6A-6.0331, F.A.C., Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction; Proposed Amendment to Rule 6A-6.03311, F.A.C., Procedural Safeguards for Students with Disabilities; Proposed Amendment to Rule 6A-6.03312, F.A.C., Discipline Procedures for Students with Disabilities; Proposed Amendment to Rule 6A-6.03313, F.A.C., Procedural Safeguards for Exceptional Students Who Are Gifted; Proposed Amendment to Rule 6A-6.03314, F.A.C., Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents; Proposed Amendment to Rule 6A-6.03411, F.A.C., Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students; Proposed Amendment to Rule 6A-22.001, F.A.C., Definitions; Proposed Amendment to Rule 6A-22.002, F.A.C., Rehabilitation Provider Qualifications; Proposed Amendment to Rule 6A-22.031, F.A.C., Reemployment Assessments; Proposed Amendment to Rule 6A-22.006, F.A.C., Screening Process; Proposed Amendment to Rule 6A-22.010, F.A.C., Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities; Proposed Amendment to Rule 6A-22.011, F.A.C., List of Forms; St. Petersburg College – Request Site Designation Approval for a Fire Training Special Purpose Center in Clearwater; St. Petersburg College – Request Site Designation Approval for an Outdoor Firing Range Special Purpose Center in Clearwater; and other matters pertaining to the State Board of Education.

A copy of the agenda may be obtained from the Commissioner of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The public is invited to a meeting of the Ad Hoc Committee on Matching Gifts of the Florida **Board of Governors**.

DATE AND TIME: March 12, 2004, 3:00 p.m. – 4:00 p.m.

PLACE: By Telephone Conference Call, Room 1605, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider proposals on the Matching Gifts Programs benefiting the State University System; and other issues related to the Ad Hoc Committee on Matching Gifts.

A copy of the agenda may be obtained from the Commissioner of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The public is invited to Committee meetings of the Florida **Board of Governors**. The following Committees will meet: Medical Education Subcommittee of the Strategic Planning/Educational Policy Committee, and the Learning Assessment Subcommittee of the Performance and Accountability Committee.

DATE AND TIME: March 17, 2004, 1:00 p.m. – 6:00 p.m.

PLACE: Student Union, University of Central Florida, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuing discussion of graduate medical education in the State of Florida; and development of possible measures of learning assessment outcomes; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Commissioner of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The following Committees will meet: Strategic Planning/Educational Policy, Performance and Accountability, and Audit. The regular meeting of the Board will follow.

DATE AND TIME: March 18, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Student Union, University of Central Florida, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuing Discussion of University Missions, Goals and Strategies; Continuing Discussion of University System Accountability Measures and Learning Assessment Outcomes; Audits in the State University System; Amended 2004-2005 State University System Fixed Capital Outlay Legislative Budget Request; University Transition from the State Accounting System (FLAIR) to Individual University Accounting Systems; Request to Exercise the Power of Eminent Domain, FSU; Recommendations on a proposed new State University System Funding Formula; Report on State University System from the Florida Council of 100; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Commissioner of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The **Florida Atlantic University** Board of Trustees announces a conference call meeting to which all persons are invited:

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Personnel and Compensation Committee.

A copy of the agenda and call-in phone number may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD NO. (561)297-2130.

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The **Florida Atlantic University** Board of Trustees announces a conference call meeting to which all persons are invited:

DATE AND TIME: Friday, March 12, 2004, 11:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audit & Finance Committee.

A copy of the agenda and call-in phone number may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul at

(561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD NO. (561)297-2130.

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The **Commission for Independent Education** announces committee meetings and a commission meeting to which all persons are invited.

DATE AND TIME: March 17, 2004, 9:00 a.m. – Rules Committee meeting; Accreditation Review Committee and Health Science Curriculum Committee to follow

DATE AND TIME: March 18, 2004, 9:00 a.m. – Commission Meeting; Enrollment Agreement/Bilingual Committee meeting to follow

DATE AND TIME: March 19, 2004, 9:00 a.m. – Commission Meeting

PLACE: Keiser College, 1700 Halstead Boulevard, Tallahassee, Florida 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Rules Committee, Accreditation Review Committee and Health Science Curriculum Committee general business on March 17, 2004. The Commission for Independent Education meeting will consider disciplinary matters, new applications for licensure, and institutional applications for program modifications and additional programs. The Enrollment Agreement/Bilingual Committee will consider general committee business. All other licensure applications and other general Commission business will be considered on March 19, 2004.

A copy of the agenda may be obtained by writing: Commission Office, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern at (850) 488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement** announces a Florida Crime Laboratory Meeting via telephone conference.

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

PLACE: Conference Telephone Number: (850)487-8856 OR Suncom 277-8856

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Crime Laboratory Council Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Department of Law Enforcement, (850)410-8340, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Ms. Melodee Davis, Florida Department of Law Enforcement, Investigation and Forensic Program Office, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8318.

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#### DEPARTMENT OF TRANSPORTATION

NOTICE OF CORRECTION – The Florida **Wildflower Advisory Council** announces a meeting to which all persons are invited.

DATES AND TIMES: Wednesday, March 10, 2004, 12:00 Noon – 5:00 p.m.; Thursday, March 10, 2004, 8:00 a.m. – 5:00 p.m. (correction of the day of the week)

PLACE: Maclay Gardens, Gardener’s Cottage, 3540 Thomasville Road, Tallahassee, FL 32309 (Entrance fees to the park will be waived for all persons involved with the meeting)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to conduct general business.

For information please contact: Mr. Jeff Caster, State Transportation Landscape Architect, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)410-5892, jeff.caster@dot.state.fl.us

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jeff Caster, (850)410-5892, prior to the meeting.

The notice which was published in Florida Administrative Weekly, Vol. 30, No. 8, dated February 20, 2004, had an error in the days of the week associated with the dates of the meetings. The dates should read Wednesday, March 10, 2004, and Thursday, March 11, 2004, as shown in this corrected notice. All other information is as shown in the original notice.

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The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 16, 2004, 1:30 p.m. – 3:00 p.m.

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide a recommendation regarding the Ridge Scenic Highway Eligibility Application.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made prior to the meeting at the numbers below.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)410-5894, Fax (850)410-5808, e-mail: mariano.berrios@dot.state.fl.us.

The **Department of Transportation**, Florida's Turnpike Enterprise announces a public hearing to which all persons are invited.

DATE AND TIMES: Tuesday, March 30, 2004, 6:00 p.m. – Open House, 6:30 p.m. – Formal Presentation

PLACE: City of St. Cloud, City Hall, Council Chambers, 1300 9th Street, St. Cloud, Florida 34769

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted pursuant to provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with Section 339.155, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the toll rate, location, conceptual design, social, economic, and environmental effects of the proposed project Financial Project Identification Number 411237-1, otherwise known as Kissimmee Park Road Interchange with Florida's Turnpike. The proposed interchange would consist of ramps providing access to and from the north only. The ramps would be configured for "SunPass Only" for toll collections. The interchange would include the replacement of the existing Kissimmee Park Road overpass bridge. Right-of-way acquisition is anticipated for the project. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information, including a copy of the hearing agenda, may contact: Mike Van Der Heyden, P.E., Project Manager, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3433, e-mail: mike.vanderheyden@dot.state.fl.us.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact: Mr. Jeffrey LeClaire, P.E., Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3826, e-mail: jeffrey.leclaire@dot.state.fl.us. Special accommodation requests under the Americans with Disabilities Act should be received at least seven (7) days prior to the public hearing.

The **Department of Transportation** announces a fifth public workshop to which all interested parties are invited:

DATE AND TIME: April 2, 2004, 9:30 a.m. – 5:00 p.m.

PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fifth Workshop Regarding Outdoor Advertising Signs along a stretch of Interstate 75 that runs through Marion and Sumter Counties. The Department of Transportation is responsible for the State of Florida's compliance with federal and state law relating to outdoor advertising signs.

The workshop will be attended by staff members of FHWA and FDOT, and representatives from affected local governments, the sign industry, and related parties (e.g., persons representing the interests of Scenic America, Garden Clubs, 1000 Friends of Florida).

This is the fifth workshop.

The objectives of the workshop are to establish:

1. A process for application for modification or relocation of a nonconforming outdoor advertising sign.
2. An expeditious process for review of the applications by local government, FDOT, and FHWA.
3. Criteria for approval of such applications acceptable to local government, FHWA and FDOT, including:
  - a. Zoning and land use
  - b. Sign spacing distance
  - c. Surrender of existing permit(s)
  - d. Required vegetation plantings
  - e. Aesthetic enhancements to sign structures
  - f. Length of the pilot project, required monitoring, and reporting

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, (850)414-4545.

Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the Public Hearing.

A copy of the agenda may be obtained by writing: Juanice Hagan, Florida Department of Transportation, Office of Right of Way, 605 Suwannee Street, MS #22, Tallahassee, Florida 32399-0450.

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

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

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**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces an emergency meeting via telephone conference of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Monday, March 1, 2004, 2:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and discuss the results of the advertising creative development focus groups and to consider new television creative.

Please note members of the Florida Citrus Commission will attend by telephone. To assure the public has access to this meeting, the Florida Department of Citrus will have a speakerphone available at the Department of Citrus. Additionally, if there is a member of the public who cannot attend the meeting at the Florida Department of Citrus, but wishes to appear by telephone, they may make arrangements to do so by contacting the Office of the General Counsel, (863)499-2530.

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The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, March 17, 2004, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balance scorecards, licensing, rulemaking, and other matters that are addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be John R. Alexander, Patrick Carlton, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, Christopher W. Gargano, William E. Kemper, Anina C. McSweeney, W. Lindsay Raley, Jr., Daniel R. Richey, Ray Smith, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monterey Campbell, Esq. and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

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**FLORIDA PAROLE COMMISSION**

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

DATE AND TIME: Wednesday, March 17, 2004, 9:00 a.m.

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

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

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

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

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

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**EXECUTIVE OFFICE OF THE GOVERNOR**

The Governor's **Commission on Volunteerism and Community Service**, Volunteer Florida, Executive Committee is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Tuesday, March 16, 2004, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

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 Office of Tourism, Trade, and Economic Development** announces a meeting of the Governor's Advisory Council on Base Realignment and Closure (BRAC) to which all persons are invited.

MEETING: Governor's Advisory Council on Base Realignment and Closure

DATE AND TIME: Thursday, March 18, 2004, 1:00 p.m. (ET)

PLACE: Room 2103, The Capitol, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Advisory Council will hear presentations on current military-related legislation being proposed by the 2004 Florida Legislature.



If you need a special accommodation to participate because of a disability, please contact Wayne Nelms, (850)414-1727, no later than 48 hours prior to the meeting. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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### REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, March 18, 2004, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 17, 2004, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, FL 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the full agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

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The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, April 12, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, April 12, 2004, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, April 26, 2004, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: March 18, 2004, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council 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 ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/US 441 Collaborative Right of Way Workshop to which all persons are invited.

DATE AND TIME: Thursday, March 11, 2004; 9:00 a.m. – 12:00 Noon

PLACE: City of Lauderhill, City Hall, Multipurpose Room, 2000 City Hall Drive, Lauderhill, Florida 33313

GENERAL SUBJECT MATTER TO BE CONSIDERED: To coordinate future right of way requirements with redevelopment and transportation needs along the State Road 7 corridor.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the State Road 7/U.S. 441 Collaborative Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

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 above meeting. 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.

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The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: March 19, 2004, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: March 25, 2004, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Local Emergency Planning Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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The **Charlotte Harbor National Estuary Program** announces a scheduled Policy Committee meeting to which all persons are invited:

DATE AND TIME: Monday, March 15, 2004, 9:30 a.m.

PLACE: George Mullens Activity Center, 4956 City Center Boulevard, North Port, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the CHNEP Policy Committee.

Please note that if a person decides to appeal any decision made by the Charlotte Harbor National Estuary Program Policy Committee with respect to any matter considered at the above cited workshop, 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 based.

A copy of the agenda may be obtained by writing: CHNEP, 4980 Bayline Dr., N. Ft. Myers, FL 33917 or by calling Ms. Darcy Bowen, (239)995-1777, Ext. 214.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations due to disability or physical impairment should contact Ms. Darcy Bowen, (239)955-1777, Ext. 214, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. David Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**WATER MANAGEMENT DISTRICTS**

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Following the Board meeting the Board will attend a workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Suwannee River Water Management District** announces the following public meeting to which all interested persons are invited.

DATES AND TIME: March 10-11, 2004, 8:00 a.m.

PLACE: Leaving from District Headquarters, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board “Excellence in Land Management” tour.

Information regarding this tour may be obtained by writing SRWMD, 9225 CR 49, Live Oak, FL 32060, or calling (386)362-1001.

The Suwannee River Water Management District does not discriminate upon the basis of any individual’s disability status. This non-discrimination policy involves every aspect of the District’s functions, including one’s access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact Gwendolyn Lord, Administrative Assistant, (386)362-1001 or (800)226-1066 (Florida only), Fax (386)362-1056.

The **St. Johns River Water Management District** announces a Northern Region Recreation Advisory Council Meeting to which all persons are invited. The meeting is scheduled for:

MEETING: Northern Region Recreation Advisory Council, 9:30 a.m. – 12:00 Noon

TOUR: Lybass Property, 1:00 p.m. – 3:00 p.m.

DATE AND TIME: Tuesday, March 16, 2004, 9:30 a.m. – 3:00 p.m.

PLACE: Boulware Springs Park and Historic Waterworks, 3500 S. E. 15th Street, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Northern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces the following Public Rule Workshop to which all persons are invited. The workshop will be held at:

DATE AND TIME: March 23, 2004, 6:30 p.m. – 8:30 p.m.

PLACE: City of Deltona Council Chambers, 2345 Providence Blvd., Deltona, Florida 32725

GENERAL SUBJECT MATTER TO BE DISCUSSED: Minimum Flows for Blue Spring. A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on November 21, 2003.

If any person decides to appeal any decision with respect to any matter considered at the above listed public workshop, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this workshop is requested to advise the District at least 5 work days before the meeting by contacting: Norma Messer, (386)329-4459 or (386)329-4450 (TDD).

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: March 17, 2004, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, Room 3B, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 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 desire more information or wishing to submit written or physical evidence may contact: Marcie Daniel, Budget Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

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The **Southwest Florida Water Management District** (SFWWMD) announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD WORKSHOP (Note: This meeting, scheduled for Friday, March 12, 2004, is cancelled.)

BASIN BOARD LAND RESOURCES COMMITTEE MEETING

DATE AND TIME: Thursday, March 18, 2004, 9:30 a.m.

PLACE: Green Swamp West Field Office, 13645 Ranch Road, Dade City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

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

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

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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 29, 2004, 10:00 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 – Issues Workshop Meeting on Lake Okeechobee.

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.

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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 30, 2004, 9:00 a.m.

PLACE: The South Florida Water Management District, Homestead Field Station, 2195 N. E. 8th St., Homestead, FL 33033

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee, created pursuant to Section 373.41492, Florida Statutes, to attend committee meeting and field inspection to discuss the Habitat types in the area and other mitigation 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 7210, 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: Beth McArdle, Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7210, West Palm Beach, FL 33406, (561)682-6172.

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The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: March 19, 2004, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida (The above address shall be the designated access point for public attendance of the meeting)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or by calling Ann Christian, (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings 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 Ann Christian, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

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### REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

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

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

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

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at [www.tampabaywater.org](http://www.tampabaywater.org).

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular March 2004 monthly board meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: March 17, 2004, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

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### DEPARTMENT OF ELDER AFFAIRS

NOTICE OF CANCELLATION –The Florida **Department of Elder Affairs** has cancelled the public hearing, which was previously published in the FAW on February 27, 2004.

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.

For questions concerning the cancellation, please contact: Jennifer Sindt, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2091, e-mail: [Sindtj@elderaffairs.org](mailto:Sindtj@elderaffairs.org).

If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

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### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: March 12, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Telephone (850)410-0966, Suncom 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Senate Bill 2-A, General Appropriations Act for FY 2003-04, Specific Appropriation 150, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2003-04 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit (UPL) funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

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The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: March 19, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Telephone (850)410-0966, Suncom 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Senate Bill 2-A, General Appropriations Act for FY 2003-04, Specific Appropriation 150, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2003-04 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit (UPL) funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: March 26, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Telephone (850)410-0966, Suncom 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Senate Bill 2-A, General Appropriations Act for FY 2003-04, Specific Appropriation 150, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2003-04 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit (UPL) funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation** and the Florida Partnership for School Readiness announce a public meeting to which all interested parties are invited:

FLORIDA PARTNERSHIP FOR SCHOOL READINESS BOARD MEETING

DATE AND TIME: Thursday, March 25, 2004, 9:30 a.m. – 3:30 p.m. or until completion of business

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, FL 32303 (Overnight accommodations are available at the Ramada Inn and Conference Center. Reservations can be made by calling (850)386-1027. When making reservations, please request the Florida Partnership for School Readiness room rate. Please make reservations as soon as possible to receive the Partnership rate of \$70.00 per night. The cut-off date for this room rate is March 11, 2004.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

A final agenda will be available on March 15, 2004. The agenda will not be posted due to internal maintenance on the Partnership website. To obtain a copy of the agenda, contact: Ginger Tate, The Partnership, (850)922-4200, e-mail: [ginger.tate@schoolreadiness.org](mailto:ginger.tate@schoolreadiness.org).

For further information, contact: Ginger Tate, The Partnership, (850)922-4200, [ginger.tate.@schoolreadiness.org](mailto:ginger.tate.@schoolreadiness.org).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Lisa Barnes, (850)922-4200, 1(866)357-3239 (Toll free), Florida Relay Service 1(800)955-8770 (Voice), at least 48 hours prior to the meeting.

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The **State Technology Office** announces a meeting of the Joint Dispatch Oversight Committee of the Joint Task Force on State Agency Law Enforcement Communications to which all interested persons are invited.

DATE AND TIME: March 19, 2004, 9:00 a.m.

PLACE: State Technology Office, 4030 Esplanade Way, Room 225A, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Joint Task Force Regional Communications Centers.

For more information about the agenda, contact: Major Mark Trammell, Florida Highway Patrol, (850)921-7900.

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The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: March 15-16, 2004, 8:30 a.m.

PLACE: Crowne Plaza Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

DATE AND TIME: March 17, 2004, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (portions closed to the public)

DATE AND TIME: March 17, 2004, 10:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

DATE AND TIME: March 18, 2004, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

PLACE: Embassy Suites Boca Raton, 661 N. W. 53rd Street, Boca Raton, FL 33487, (561)994-8200

The Board will conduct a general business meeting and also consider a petition filed on January 26, 2004, from Gina H. Stoehr, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., seeking a declaratory statement for licensing determination on behalf of Witron Integrated Logistics, Inc. and review Sec. 7-63, City of Boca Raton Code of Ordinances, Fire alarm permit – Required.

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0711.

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

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0711.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Electrical Contractors' Licensing Board, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 17, 2004, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial (850)921-2530, Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office, (850)487-8304. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771(TDD).

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

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The Florida **Board of Funeral Directors and Embalmers** announces the following meeting to be held by telephone conference call, to which all parties are invited to attend.

DATE AND TIME: March 16, 2004, 10:00 a.m.

PLACE: Access Phone (850)922-7892, Suncom 292-7892, Toll Free 1(800)416-4132

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 Funeral Directors and Embalmers, 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).

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The Florida **Board of Professional Engineers** announces a public meeting of the Mandatory Continuing Education Committee to which all persons are invited:

DATE AND TIME: Thursday, March 18, 2004, 9:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on mandatory continuing education.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

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The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, March 16, 2004, 8:30 a.m.; reconvening Wednesday, March 17, 2004, 8:30 a.m.

PLACE: Division of Real Estate; Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: March 17, 2004, 2:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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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."

**DEPARTMENT OF JUVENILE JUSTICE**

The Florida **Department of Juvenile Justice**, Florida Business Partners announces a meeting.

DATE AND TIME: Wednesday, March 31, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call Number: (850)488-8295 or SC 278-8295.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Florida Business Partners.

A copy of the agenda may be obtained by calling: Ana Valdes, Office of Prevention and Victim Services (850)410-2577.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Department of Juvenile Justice, Office of Prevention and Victim Services, (850)488-3302, no later than (7) days prior to the meeting at which such special accommodation is required.

**DEPARTMENT OF HEALTH**

The **Department of Health, Board of Dentistry**, announces a meeting of the Anesthesia Committee to be held via telephone conference call. All interested parties are invited to participate in the telephone conference call, which is open to the public.

DATE AND TIME: March 12, 2004, 12:00 Noon

PLACE: Telephone Number (850)410-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Concerning Anesthesia Committee.

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster.

The **Department of Health, Board of Dentistry**, Continuing Education Committee announces an official business meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: March 12, 2004, 2:00 p.m.

PLACE: Telephone Number: (850)245-4474, to obtain conference call number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications and other business as needed.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

The Florida **Board of Medicine**, Quality Assurance Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Tuesday, March 23, 2004, 12:00 Noon

PLACE: Contact Florida Board of Medicine, (850)245-4131 for meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (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 **Department of Health, Board of Pharmacy**, Pharmacist Prescribing Committee announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2004, 10:00 a.m.

PLACE: Teleconference Meeting – (850)921-2530, Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to conduct general business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

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The **Department of Health, Board of Pharmacy**, Medication Administration Records (MARS) rules sub-committee announces a public meeting to which all persons are invited.

DATE AND TIME: March 29, 2004, 9:30 a.m.

PLACE: Teleconference Meeting – (850)921-2470, Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss “Medication Administration Records”.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

The **Department of Health, Board of Pharmacy**, Records Maintenance committee announces a public meeting to which all persons are invited.

DATE AND TIME: March 29, 2004, 2:00 p.m.

PLACE: Teleconference Meeting – (850)921-2530, Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss Rules 64B16-28.140 – Records Maintenance and 64B16-28.150 – Record Maintenance Systems for Intitutional Permits, F.A.C.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

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The **Department of Health, Board of Psychology** announces a conference call of the board to which all persons are invited:

DATE AND TIME: March 24, 2004, 4:00 p.m. or soon thereafter

PLACE: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special committee of the Board of Psychology and Board of Medicine.

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, or by calling the board office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Council of Licensed Midwifery** announces a meeting cancellation to which all interested persons were invited to attend.

DATE AND TIME: Friday, March 5, 2004, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of Meeting Cancellation.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Department of Health**, Bureau of Chronic Disease Prevention will hold the following meeting:

MEETING: Florida Arthritis Partnership

DATE AND TIME: April 2, 2004, 8:30 a.m. – 4:30 p.m.

PLACE: Hilton Tampa Airport Westshore, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To bring together state, local, and regional decision makers and grassroots advocates who share the vision of the highest possible quality of life free from arthritis-related pain and disability. Participants will have the opportunity to network and share progress toward goals in arthritis prevention and education efforts in Florida. The meeting will include an overview of the Arthritis Prevention and Education Program activities to-date, upcoming marketing plans, presentations on arthritis topics, training on community mobilization, workshop on identifying gaps in membership and interventions, and prioritizing remaining future interventions.

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The Florida **Emergency Medical Services Advisory Council** announces a telephone conference call to which all interested persons are invited to participate.

DATE AND TIME: March 16, 2004, 1:00 p.m. – 3:00 p.m. (EST)

PLACE: Florida Bureau of Emergency Medical Services, 4052 Bald Cypress Way, 3rd Floor, Conference Room 335N, Bin #C18, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council. Any other related issues will also be discussed.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, Bin #C18 (HEMS), Tallahassee, Florida 32399-4881 or call (850)245-4055.

P.O. # QT0020

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The **Correctional Medical Authority** announces a conference call meeting to which all persons are invited:

DATE AND TIME: March 11, 2004, 10:00 a.m. – 11:00 a.m.

PLACE: Tallahassee, Florida – 1(888)461-8118 (toll-free), (850)414-5775 (local), 994-5775 (Suncom)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin #B04, Tallahassee, FL 32399-1732, (850)410-1450.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

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The **Correctional Medical Authority** announces a Mental Health Committee meeting to which all persons are invited:

DATE AND TIME: March 19, 2004, 9:00 a.m. – 1:00 p.m.

PLACE: Correctional Medical Authority, 1632 Metropolitan Circle, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to mental health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin #B04, Tallahassee, FL 32399-1732, (850)410-1450.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

**NAVIGATION DISTRICTS**

The Board of Commissioners of the Florida **Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, March 13, 2004, 9:00 a.m.

PLACE: The Marriot Marina Hotel, 1881 S. E. 17th Street, Fort Lauderdale, Broward County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the District's Temporary Waterway Encroachment Committee.

Please contact the District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning the live collection marine life fishery, to which all interested persons are invited:

DATE AND TIME: March 18, 2004, 7:00 p.m. – 9:00 p.m.

PLACE: Double Tree Hotel, Tampa Westport, Conference Center Entrance, Birchwood Room/Timberwood Room, 4500 West Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding workshops to gather public testimony regarding limited entry options for commercial fishers holding a marine life endorsement and public input about other recommended changes to Rule Chapter 68B-42, F.A.C., entitled "Marine Life."

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 five 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: Bob Palmer, Division of Marine Fisheries, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

**DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services, Division of State Fire Marshal**, announces a public meeting to which all persons are invited.

DATE AND TIME: March 16, 2004, 10:00 a.m.

PLACE: J Edwin Larson Building, 200 E. Gaines Street, Conference Room 116, Tallahassee, FL 32399-0342

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing: Nancy Ray, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3622.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the person listed above no later than 48 hours prior to the meeting or workshop.

**SCRIPPS FLORIDA FUNDING CORPORATION**

The Board of Directors of the **Scripps Florida Funding Corporation** will be conducting an information-gathering visit to The Scripps Research Institute.

DATE AND TIME: Friday, March 12, 11:00 a.m. – 5:00 p.m

PLACE: La Jolla, CA

**CLERK OF COURT OPERATIONS CONFERENCE**

The **Clerk of Court Operations Conference** announces a public meeting to which all persons are invited.

DATE AND TIME: March 15, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: Room 2130, Orange County Courthouse, 425 N. Orange Avenue, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Budget Process and other issues.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223.

**FLORIDA ASSOCIATION OF CENTERS FOR INDEPENDENT LIVING**

The **Florida Association of Centers for Independent Living** announces the following meeting:

MEETING: Florida Association of Centers for Independent Living Quarterly Meeting

DATE AND TIME: Monday, March 15, 2004, 10:00 a.m. – 5:00 p.m. (EST)

PLACE: Wingate Inn, 2516 W. Lakeshore Dr, Tallahassee, FL 32303

**CRIMINAL JUSTICE INSTITUTE**

The Region XII, **Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited:

DATE AND TIME: Tuesday, March 23, 2004, 10:00 a.m.  
 PLACE: Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth FL 33461  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: FDLE/CJSTC updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary, Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)868-3403.

**FLORIDA SELF-INSURERS GUARANTY ASSOCIATION**

The **Florida Self-Insurers Guaranty Association**, Inc. announces a meeting of its Board of Directors in which all interested persons are invited to participate.

DATE AND TIME: Tuesday, March 23, 2004, 12:00 Noon  
 PLACE: Florida Hotel and Motel Association Building, 200 W. College Avenue, 2nd Floor Conference Room, Tallahassee, Florida 32301  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, 200 W. College Avenue, Suite 115, Tallahassee, Florida 32301, (850)222-1882.

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces a FAJUA Producer Committee teleconference to which all persons are invited:

DATE AND TIME: Monday, March 15, 2004, 10:00 a.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss procedures and duties of the Producer Committee.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, [lstoutamire@fajua.org](mailto:lstoutamire@fajua.org).

The **Florida Automobile Joint Underwriting Association** announces a FAJUA Operating Committee public meeting to which all persons are invited:

Operating Committee Meeting  
 DATE AND TIME: Thursday, March 18, 2004, 9:00 a.m.  
 PLACE: Orlando Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Review proposed changes in the FAJUA Underwriting Manual, Plan of Operation and Policy Forms.

The **Florida Automobile Joint Underwriting Association** announces a FAJUA Board of Governors public meeting to which all persons are invited:

Annual Meeting of Members  
 DATE AND TIME: Thursday, April 15, 2004, 8:30 a.m.  
 PLACE: JW Marriott, 1109 Brickell Avenue, Miami, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To approve Annual Meeting minutes of April 24, 2003; receive Association's annual report; and consider any other matters that may come before the Board.

Board of Governors Meeting  
 DATE AND TIME: April 15, 2004, commencing immediately after the adjournment of the Annual Meeting of Members, but not before 8:45 a.m.

PLACE: JW Marriott, 1109 Brickell Avenue, Miami, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports of the general manager, all committees, and counsel; to consider and take actions based on those reports; and consider any other matters that may come before the Board.

**Section VII  
 Notices of Petitions and Dispositions  
 Regarding Declaratory Statements**

**DEPARTMENT OF EDUCATION**

NOTICE IS HEREBY GIVEN that the Florida Department of Education received a request for Declaratory Statement on December 9, 2003, from Mr. Mile Gopman, Esquire addressing the application of eligibility requirements for Bright Futures, pursuant to Sections 1009.531(1)(b),(2),(3)(a)-(b),(5) and 1009.534(1)(a), Florida Statutes, and the application of academic requirements in Sections 1007.261(1)(b),(3), Section 1007.264 and Section 1007.27(1), Florida Statutes.

A copy of the request may be obtained by writing: José Blas Lorenzo, Jr., Assistant General Counsel, Department of Education, Office of Student Financial Assistance, 1940 North Monoe Street, Suite 70, Tallahassee, FL 32303.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Roll-A-Way Protective Pool Fence of Central Florida, on October 28, 2003. It was assigned the number DCA03-DEC-298. The Commission determined that statewide approval by the Commission is not available for the swimming pool barrier described in the petition because it is not one of the products identified within Rule 9B-72.060, Florida Administrative Code.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Madden Manufacturing, on October 22, 2003. It was assigned the number DCA03-DEC-296. The Commission determined that a local jurisdiction is only authorized to obtain proof of statewide approval for products, such as the Petitioner's, that have obtained statewide approval and are being used in a manner that is consistent with the limitations of use identified by the statewide approval and that the Petitioner is not required to submit signed and sealed drawings of such a product.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that Withlacoochee River Electric Cooperative, Inc., has voluntarily dismissed its Petition for a Declaratory Statement seeking an order from the Florida Public Service Commission that it is authorized to be the sole provider of service to a customer under the service territory agreement with Progress Energy Florida, Inc. DOCKET NO. 031128-EU.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, received a Petition for Declaratory Statement filed by John F. Bennett, Esquire, on behalf of ABC Liquors, Inc., on February 19, 2004.

Petitioner requests a declaratory statement on whether Section 561.42(1), F.S., prohibits alcoholic beverage distributors from charging Petitioner, a licensed retail vendor, a split case fee while not charging or agreeing not to charge other vendors for splitting a case, or charging Petitioner a different price for splitting a case than other vendors; and, likewise, whether Section 561.42(1), F.S., prohibits Petitioner from refusing to pay such charges assessed for splitting a case.

A copy of the Petition for Declaratory Statement, Docket No. DS2004-006, may be obtained by writing: Sarah Wachman, Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-1020.

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, B. Tenbusch, Unit Owner, Atlantic View Beach Club, No 1. Docket Number 2004001892.

The Petitioner request a declaratory statement as to whether previously recalled board members may be candidates for election to positions on the board, which positions come open during the term of directorships for which they were recalled under Section 718.112(2)(d)8, Florida Statutes, and subparagraph 61B-23.0027(5)(a)2., Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2004001892, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Psychology hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement file by Nicole Robichaux-Keene, M.S. The Notice of Petition for Declaratory Statement was published on September 26, 2003 in Vol. 29, No. 39 of the Florida Administrative Weekly. The Board considered the Petition at its meeting held on November 14, 2003. The Board's Final Order, filed December 15, 2003, grants the Petition for Declaratory Statement. However, the Board finds that Petitioner, who is a candidate for a Psy.D. in psychology can consider (4) four hours spent report writing an activity related to "direct client contact" and would count for purposes of meeting the requirements of subparagraph 64B19-11.005(2)(c)2., Florida Administrative Code and as to question (2) two, no amount of time spent conducting face-to-face data collection or analyzing or writing manuscript would count for purposes of meeting the requirements of subparagraph 64B19-11.005(2)(c)2., Florida Administrative Code.

A copy of the Board's Final Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

**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:**

Autopilot Systems, Inc. vs. Department of Health; Case No.: 04-0540RX; Rule Nos.: 64E-9.007(16)(b), 64E-9.011(2)(g), (8)(c)

Keith Luther Fernandez vs. Department of Financial Services; Case No.: 04-0625RX; Rule No.: 69-211.042 (Formerly 4-211.042)

Southpoint Health Care Associates, LLC, d/b/a Southpoint Nursing and Rehabilitation Center vs. Agency for Health Care Administration; Case No.: 04-0628RU

Stop the Beach Renourishment, Inc. vs. Department of Environmental Protection and Board of Trustees of the Internal Improvement Trust Fund; Case No.: 04-0632RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

A. Alexander Jacoby, M.D. vs. Department of Health, Board of Medicine; Case No.: 04-0219RX; Rule No.: 64B8-4.009(10); Dismissed

Shirley A. Reynolds and Diann P. Bowman vs. Board of Trustees of the Internal Improvement Trust Fund and Florida Department of Environmental Protection; Case No.: 03-4478RU; Denied

**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 ANNOUNCEMENT OF CONSTRUCTION**  
**MANAGEMENT SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and an intent was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: February 11, 2004

NAME OF AGENCY: Florida School for the Deaf and the Blind

PROJECT NUMBER: FSDB 20040010

PROJECT NAME: New Model Apartments

1. Batson-Cook Company
2. WG Mills, Inc.
3. Perry-McCall Construction, Inc.
4. Auld and White Constructors, Inc.

Call for Bids

The Florida School for the Deaf and the Blind (FSDB) will receive bids for the following PROJECT:

Fire Alarm System Upgrades in Buildings 16, 25, and 68

FSDB

Building #27/Hogel Maintenance

207 North San Marco Ave.

St. Augustine, FL. 32084

PROJECT DESCRIPTION: The work to be completed under this contract generally includes, but is not limited to, the following:

SCOPE OF WORK: Expand an existing Honeywell FS90 microprocessor based Fire/Security Panel presently serving Building 68 to serve congruent buildings 16 and 25. Work includes furnishing and installing new fire alarm devices, access control devices, and all required wiring and conduit. Project includes door and hardware replacements for compatibility with new access control devices.

The project superintendent must be a licensed Master or Journeyman electrician that is currently registered as a Fire Alarm System Agent (FASA) as defined in Florida Statute Section 489.5185. As an alternative, a licensed Master or Journeyman electrician having a NICET Level 2 certification from the National Institute for Certification in Engineering Technologies is acceptable.

Bids will be accepted through the use of a two phase procurement process. In this procedure offerers will be required to submit a qualification package to present evidence of proper credentials indicating ability to successfully complete the project with workmanship acceptable to FSDB as required in the specifications. Upon evaluation of the submitted qualification packages, an addendum will be issued to indicate which offerers may submit a bid for the project. Failure to submit an acceptable qualification package will preclude Bidder from submitting a bid.

QUALIFICATION PACKAGES: Qualification packages containing qualification submittal requirements may be picked up Monday through Friday from 7:00 a.m. until 4:00 p.m. at the Facilities Office, Building #27, Hogel Maintenance.

CONSTRUCTION DOCUMENTS: Bid packages containing Summary of Work, Specifications and Plans may be picked up Monday through Friday from 7:00 a.m. until 4:00 p.m. at the Facilities Office, Building #27, Hogel Maintenance.

MANDATORY PRE-BID CONFERENCE: Bidders wishing to submit a bid shall attend a mandatory pre-bid conference on Tuesday, March 30, 2004 at 9:00 a.m. in the Facilities Conference Room, Building #27 Hogel Maintenance, FSDB. Failure to attend will preclude Bidder from submitting a bid. Subcontractors are welcome to attend, but their attendance is not mandatory.

DATE, TIME AND PLACE FOR RECEIVING QUALIFICATION SUBMITTALS: Friday, April 9, 2004 at 2:00 p.m. in the Facilities Conference Room, Building

#27/Hogel Maintenance, FSDB 207 North San Marco Ave. St. Augustine, FL. 32084. Submittals shall be sealed in an envelope and marked as follows:

Attention:

Richard Elmore, Director of Facilities Management  
Qualification Submittal

Project: Fire Alarm System Upgrades in  
Buildings 16, 25, and 68

DATE, TIME AND PLACE FOR BID OPENING: Thursday, April 29, 2004 at 2:00 p.m. in the Facilities Conference Room, Building #27/Hogel Maintenance, FSDB 207 North San Marco Ave. St. Augustine, FL. 32084.

PLACE FOR RECEIVING BIDS: Up until the bid opening, bids will be received in Room 100B, Building #27/Hogel Maintenance.

SEALED BIDS: Bids shall be sealed in an envelope and marked as follows in the lower left corner:

Attention:

Richard Elmore, Director of Facilities Management  
Sealed Bid

Project: Fire Alarm System Upgrades in  
Buildings 16, 25, and 68

DO NOT OPEN PRIOR TO: Thursday, April 29, 2004 at 2:00 p.m.

CONTACT PERSON: Lloyd Jenkins, Project Manager, (904)827-2363

Request for Proposals

School Readiness Services Within Lee County  
Solicitation #LEE-04/05-001CA

Competitive sealed proposals are being requested for school readiness services within Lee County, these services to include eligibility and provider payments; parent and child services; and provider development, support, and training. The anticipated total allocation to the Coalition from the Florida Partnership for School Readiness is \$13,569,970 based on availability of funds.

Letters of Intent to Bid are required and due April 2, 2004. Written questions from prospective proposers must be submitted in writing via mail, e-mail or fax and will be accepted from April 2nd until 5:00 p.m. (EST) on April 9th, 2004. Sealed proposals will be received at the address below until 4:00 p.m. on May 3rd, 2004.

RFP specifications may be requested by contacting: Barbara Saunders, Executive Director, Lee County School Readiness Coalition, Inc., 12651 McGregor Blvd. Suite #4-402, Ft. Myers, FL, Phone (239)267-4105, Fax (239)267-4109, E-mail: bsaunders@mindspring.com.



The Volusia County Coalition for School Readiness, Inc. pursuant to and in compliance with Chapter 287, F.S., is seeking proposals from qualified offerors to provide Contract Management Services and Fiscal Agent Services. The ITN for these two service elements will be released on March 5, 2004. All interested persons must submit an Intent to Submit an Application by Friday, March 12, 2004, at 3:00 p.m. Contact person for this ITN is: Mary E. Nutter, Ph.D., 3819 N. W. 40th Street, Gainesville, Florida 32606, (352)256-7745.

**ADVERTISEMENT FOR BIDS**

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 2:00 p.m. local time on March 31, 2004 for the purpose of selecting a supplier to provide Commodity Food Processing per the bid specifications for:

Commodity Food Service  
Bid # 04-391-592

Provide services to process USDA donated meat, poultry, and orange juice into usable end products with firm, net pricing for the contract period as specified in the Invitation To Bid.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
Walter Pownall Service Center  
11111 S. Belcher Road  
Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	LINDA S. LERNER CHAIRMAN  MARK C. LINDEMANN DIRECTOR, PURCHASING
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**ADVERTISEMENT FOR BIDS**

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 1:00 p.m., local time on March 10, 2004 for the purpose of selecting a supplier to provide Refrigeration Equipment Repair & Service per the bid specifications for:

Refrigeration Equipment Repair and Service  
Bid# 04-931-590

The purpose and intent of this invitation to bid is to establish a short list of licensed, factory authorized, commercial food service refrigeration equipment repair contractors who have experience both repairing and maintaining commercial food service equipment.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
Walter Pownall Service Center  
11111 S. Belcher Road  
Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	LINDA S. LERNER CHAIRMAN  MARK C. LINDEMANN DIRECTOR, PURCHASING
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**ADVERTISEMENT FOR BIDS**

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 2:00 p.m., local time on April 6, 2004 for the purpose of selecting a supplier to provide Delivery Services: Food per the bid specifications for:

Delivery Services: Food  
Bid# 04-962-613

The purpose and intent of this Invitation to Bid is to select a bidder that can provide four (4) 2-1/2 ton Refrigerated Trucks capable of holding 38° 24 hours/day, 7 days a week and four (4) Class B Certified and Licensed Drivers working 7-8 hours per day from 6:00 a.m. to 2:00 p.m. Monday thru Friday, to deliver cold lunch meals to twenty (20) different sites daily. The estimated contract period for: Truck Rental and Drivers will be: May 28, 2004 to July 21, 2004. Firm, net pricing will be established for the contract period as specified therein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
Walter Pownall Service Center  
11111 S. Belcher Road  
Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	LINDA S. LERNER CHAIRMAN  MARK C. LINDEMANN DIRECTOR, PURCHASING
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Public Notice  
Request for Proposal  
#2004-2005-01

Title: School Readiness Program Administrative Support Services

The Dixie, Gilchrist, Levy School Readiness Coalition is requesting proposals for administrative services. The potential contractor will be responsible for providing a variety of administrative services on behalf of the Coalition board and Coalition committees for fiscal year 2004-2005.

The request for proposal will be released on March 3, 2004. Copies may be obtained by writing to the procurement manager at the address noted below:

Sonya Bosanko  
1564 North Meadowcrest Blvd.  
Crystal River, FL 34429

Letters of intent to submit a proposal are due on March 31, 2004. Deadline for all applications will be on April 14, 2004. Results will be posted on May 18, 2004.

For more information regarding this request for proposal contact: Sonya Bosanko, (352)302-4633.

Invitation for ITN

Notice is hereby given that the Osceola County Coalition for School Readiness will receive sealed ITN's up to 3:00 p.m. on Tuesday, April 13, 2004 for the delivery of School Readiness Early Care and Education Services. The purpose of the ITN is to provide comprehensive school readiness early care and education services designed to enhance the cognitive, social, and physical development of children.

A Letter of Intent to submit an Application is due Friday, March 12, 2004 by 5:00 p.m., Eastern Standard Time.

A mandatory Applicant's conference will be held on Monday, March 22, 2004 at 1:00 p.m. at the Tompkins Conference Room, 1637 E. Vine Street, Kissimmee, Florida 34744.

ITN specifications may be requested by email at [osceolacoalition@earthlink.net](mailto:osceolacoalition@earthlink.net). The Letter of Intent and sealed proposal should be submitted via mail services or hand delivery ONLY to:

Osceola County Coalition for School Readiness  
ATTN: Procurement Committee  
1633 E. Vine Street, Ste. 108  
Kissimmee, Florida 34744

Legal Advertisement

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural and/or engineering services.

Provide professional services to remodel Building 500, Baker Hall. This single story, 34 year old building will be redesigned as a multistory building to house classrooms, a Learning Center and Virtual College. The estimated construction budget is \$5.5 million.

Firms or individuals with experience in designing for remodeling higher education facilities and desiring to qualify for consideration must submit five copies of a proposal to Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona Beach Community College, Post Office Box 2811, Daytona Beach, Florida 32120-2811, or deliver to 1200 West International Speedway Boulevard, Building 540, Room 112, Daytona Beach, FL 32114, to arrive no later than 12:00 Noon, March 26, 2004. Each proposal must include:

1. A letter of interest.
2. Federal Government Standard Form 254 and 255, Architect-Engineer Questionnaires, including in Section 8 of Form 255 the name, address, phone and contact person for the primary general contractor or construction manager on the project; and name, address, phone and contact person for the project; and in Section 10 the firm's practice concerning affirmative action.
3. Certificate showing evidence of insurance coverages are in force. Contact the Facilities Planning at Daytona Beach Community College, (386)947-5440 for specific insurance requirement (DBCC Procedure 802 Section III F).
4. Copies of State of Florida licensing board certificates for the firm and members of the firm.
5. A notarized statement of financial status. (The form of the statement is optional and could be in a form such as Dun & Bradstreet, by a certified public accountant, or other.)
6. A Sworn Statement of Public Entity Crime, as required by Section 287.133(3)(a), F.S.
7. An organizational chart listing personnel and consultants proposed for this project.
8. For each team member, list the five (5) most recent projects that are relevant to the proposed project (i.e., size, type, educational, etc.).

**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**

The Suwannee River Water Management District (SRWMD) announces its interest in obtaining proposals for its "Excellence in Land Management" program. It is the goal of the SRWMD for this project to develop quantifiable objectives

to track the progress of the land management program in achieving and fulfilling Governing Board policies in this regard. In a first step toward this end, SRWMD has committed to conformance with the Sustainable Forestry Initiative Standard (SFIS). This project will pick up where SFIS leaves off and should result in a system that ensures that SRWMD can document performance in all areas of land management. Since the citizens will provide the ultimate grade on performance, the project must include opportunities for public input and review, including a final presentation to the SRWMD Governing Board.

This project should follow the schedule below:

- February 17, 2004 Release of Request for Proposal.
- March 10, 2004 Proposers' conference at SRWMD headquarters in Live Oak, 10:00 a.m.
- March 31, 2004 Proposals due prior to 1:00 p.m. at SRWMD headquarters in Live Oak. Opening of proposals at this time and date.
- April 19, 2004 Final selection of contractor announced.
- May 13, 2004 Recommendation to SRWMD Governing Board

Request for Proposals Documents (RFP 02/03-039 LM) are available on the District's website at <http://www.mysuwanneeriver.com/services/bids+and+contracts>.

Persons interested in submitting qualifications for this project should return those completed documents to Gwen Lord, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060.

For more information or assistance contact: Gwen Lord, (386)362-1001 or 1(800)226-1066 (Florida only).

**REQUEST FOR QUALIFICATIONS FOR  
FOUR FREEDOMS TRAIL  
RFQ NO. 03/04-031RM**

The Suwannee River Water Management District (DISTRICT) announces its interest in selecting a qualified engineering consultant contractor team or design-build firm (FIRM) with the necessary expertise to design and construct a paved trail in Madison County.

**PROJECT SCOPE:** Engineering design, permitting, construction, and inspection services to construct approximately 6.5 miles of 10-foot wide asphalt trail. All construction will be on land and right-of-way owned by Madison County or the Florida Department of Transportation.

**PROJECT LOCATION:** Madison County, Florida, from Hanson to the Withlacoochee River on the abandoned Valdosta Southern Railroad bed.

**PROJECT FUNDING:** This project is funded by the Florida Department of Environmental Protection and the federal Intermodal Surface Transportation Efficiency Act (ISTEA) through the Florida Department of Transportation. The proposed contract value is approximately \$625,000.

**RESPONDENT QUALIFICATIONS:** The respondent must be capable of bonding at 100 percent of the value of the contract with a surety licensed to do business in the State of Florida. The respondent must be licensed in the State of Florida in accordance with Florida Statutes 287.055 and 60D-13, Florida Administrative Code, and have experience in the delivery of design-build projects.

**PRE-QUALIFICATION CONFERENCE:** A mandatory pre-qualification conference will be held on March 24, 2004, at 10:00 a.m., at the Madison County Board room, 112 East Pinckney Street, Madison, Florida 32340. Each FIRM shall be required to sign in at the pre-qualification conference. Failure to sign in shall result in the Statement of Qualifications being rejected.

**STATEMENT OF QUALIFICATIONS DUE DATE:** The Statement of Qualifications will be received until 4:00 p.m., April 9, 2004, at the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. All Statement of Qualifications shall be clearly marked "RFQ 03/04-031 RM, Four Freedoms Trail." Faxed Statement of Qualifications will not be accepted.

A copy of the Request for Qualifications and the Design and Construction Criteria Package may be obtained from the District's web site at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com) or by contacting:

Sandra Keiser, Administrative assistant  
Suwannee River Water Management District  
9225 Count Road 49  
Live Oak, Florida 32060  
(386)362-1001 or 1(800)226-1066 (Florida Only)

**REQUEST FOR BID #03/04-032RM**

The Suwannee River Water Management District (DISTRICT) is inviting sealed bids to conduct enhancement activities at San Felasco Hammock State Preserve in Alachua County, Florida. The project is being constructed through a cooperative agreement between the Florida Department of Transportation (FDOT), Florida Department of Environmental Protection (DEP), and the DISTRICT. This project will include typical earthwork such as, but not limited to, clearing, grubbing, and berm removal (excavation) adjacent to Cellon Creek within the Preserve.

In order to assure a uniformity of supplemental and clarifying information that is provided to bidders and to allow bidders an opportunity to ask specific questions prior to submitting a bid, a mandatory pre-bid conference has been scheduled for March 18, 2004, at 11:00 a.m., at the substation on Cellon Creek Boulevard and U.S. 441, near San Felasco Hammock State

Preserve. It is recommended that anyone attending the pre-bid conference wear waterproof footwear. All bids must be received prior to 4:00 p.m., on April 9, 2004. Any individual or firm desiring to obtain a copy of this Request for Bid may do so by visiting the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com), or by contacting:

Linda Welch, Administrative Assistant  
 Suwannee River Water Management District  
 9225 CR 49  
 Live Oak, Florida 32060  
 Phone: (386)362-1001

Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act should contact Linda R. Smith, Purchasing Agent, (386)362-1001 or 1(800)226-1066 (Florida only).

**EXPRESSWAY AUTHORITIES**

**NOTICE OF INVITATION TO BID**

**MDX WORK PROGRAM NO. 83615.060**

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a Certified Roadway and or Bridge Contractor ("Bidder") for the construction of State Road (SR) 836 Westbound Auxiliary Lane from N. W. 57th Avenue to Palmetto Expressway (SR 826) (the "Project"). The Work for the Project consists of, but is not limited to, providing all labor, materials, equipment and incidentals including maintenance of traffic schemes necessary to complete all work associated with the project within the MDX System. The Bidder should be aware that portions of the Work associated with the Project shall be done during weekday night time hours (Sunday through Thursday, 9:00 p.m. – 5:30 a.m.).

The MDX System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878, and SR 924.

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 ("MDX Headquarters Building), until 2:00 p.m., Tuesday, April 6th, 2004. A Bidder must be prequalified by the State of Florida Department of Transportation in accordance with Rule Chapter 14-22, Florida Administrative Code or certified with Miami-Dade County as a General Engineering Contractor on the submittal date for the Bids in order to submit a Bid. A Bidder that is not prequalified in accordance with Rule Chapter 14-22, F.A.C., or certified with Miami-Dade County on the date of the Bids submittal shall be declared "NON RESPONSIVE" and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book (which includes all details of the Project and requirements for bidding) will be available on Monday, March 8, 2004 after 12:00 Noon at the MDX Headquarters Building, 3790 N. W. 21st Street, Miami. The cost of these documents is \$25.00 per

set. Checks should be made payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$10,400,000.00 (Ten Million four Hundred Thousand Dollars) and Contract time for this Project is set for Five Hundred Forty Five (545) calendar days from the date a Notice to Proceed is issued. The construction contract will be awarded under the A+B Bidding Method (Cost + Time) which involves the construction duration, with an associated cost in the low bid determination.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Tuesday March 16, 2004, at 2:30 p.m. at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami. Please be advised that attendance at this meeting is Mandatory. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared "Non-Responsive".

In accordance with MDX Small Business Participation Policy (copy of this policy may be obtained from MDX website), a 15% Small Business Participation Goal is required for the Project. MDX will also be awarding SBE Bonus to Bidders that exceed the required SBE participation. Complete details of this requirement will be included in the Bid Blank.

If you have any questions regarding this notice, or would like additional information, please contact:

Ms. Helen M. Cordero  
 MDX Procurement Officer  
 Ph. (305)637-3277  
 Fax (305)637-3281

E-mail: [hcordero@mdx-way.com](mailto:hcordero@mdx-way.com)

All sealed Bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Tuesday, April 6th, 2004.

**EQUAL EMPLOYMENT OPPORTUNITIES AND SMALL BUSINESS ENTERPRISES PROGRAM**

The Miami-Dade Expressway Authority prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap in accordance with the Provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., the Florida Civil Rights Act of 1992, as amended, § 760.10 et seq., Fla. Stat., and other Federal and State discrimination statutes. MDX notifies all Consultants and individuals that it requires and encourages equal employment opportunities for minorities and women.

MDX strongly supports small, minority and women owned businesses having full opportunity to submit Proposals in response to this RFP and commits that Consultants will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of

twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a prerequisite for the Project.

Please be aware that MDX has adopted a Small Business Participation Policy and a 15% Small Business Participation Goal shall be required for this procurement.

The twenty-five percent (25%) goal can be satisfied by Disadvantaged Business Enterprises that are currently certified as such with the State or Miami-Dade County. Satisfaction of the fifteen percent (15%) Small Business Participation Goal can be counted toward this goal.

**MDX RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED**

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## DEPARTMENT OF MANAGEMENT SERVICES

### ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF: Campus renovations and remodeling to three buildings.

PROJECT NO.: DOE-21090000

PROJECT SITE: Rehabilitation Center for the Blind, Division of Blind Services, Daytona Beach, Volusia County, Florida.

PRE-QUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Owner for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management of Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Instruction to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor and Material Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

BID DATE AND TIME: Tuesday, March 30, 2004, 2:00 p.m. (EST)

PLACE: Rehabilitation Center for the Blind, Division of Blind Services, 1111 Willis Avenue, Daytona Beach, Florida 32114

PROPOSALS: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT/ENGINEER: KBJ Architects, Inc., 510 Julia Street, Jacksonville, Florida 32202, Attn: Ms. Kris Bolt, (904)356-9491.

DEPOSIT of \$50 per set of Drawings and Specifications is required with a limit of two (2) sets per General Contractor or Prime Bidder and one set per mechanical subcontractor and/or electrical subcontractor. The deposit shall only be returned to those General Contractors, or Prime Bidders, mechanical subcontractors and/or electrical subcontractors who, after having examined the Drawings and Specifications:

- Submit a request for pre-qualification and fail to qualify, or
- Submit a bid (in the case of mechanical and/or electrical subcontractor's submission of a bid to a prime bidder), and return the Drawings and Specifications in good condition within fifteen (15) days of the date of receipt of bids.

Full sets of Drawings and Specifications may be purchased by payment of the printing and handling cost at the rate of \$100 per set.

PRE-BID CONFERENCE: Tuesday, March 16, 2004, 10:00 a.m. (EST) at the Rehabilitation Center for the Blind, Division of Blind Services, 1111 Willis Avenue, Daytona Beach, Florida 32114.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting on the Department's website at [http://fcn.state.fl.us/owa\\_vbs\\_/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs_/owa/vbs_www.main_menu) Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida

Statutes. If no protest is filed, the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

**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."

**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, email: [cdixon@ocalafl.org](mailto:cdixon@ocalafl.org), Internet: [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 the Florida Energy Office, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #19, Tallahassee, Florida 32399-3000.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Notice of Publication for a New Point  
 Franchise Motor Vehicle Dealer in a County of Less  
 than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Buell Motorcycle Company intends to allow the establishment of Harley-Davidson of Ocala, Inc. d/b/a Buell Shop of Crystal River as a dealership for the sale of Buell motorcycles at 1803 S. E. Highway 19, Crystal River (Citrus County), Florida 34429 on or after February 3, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Harley-Davidson of Ocala, Inc. d/b/a Buell Shop of Crystal River are dealer operator(s): Derek Kelley, 7003 S. E. 12th Circle, Ocala, FL 34480; principal investor(s): Robert Goodwyn, 562 Hackney Drive, Marietta, GA 30067.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statues, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Shelly Doolittle, Dealer Development Operations Coordinator, Buell Motorcycle Company, 3700 West Juneau Ave., Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Mod Cycles Corp. intends to allow the establishment of Qablwi Auto Sales as a dealership for the sale of Yumbo motorcycles, at 1206 N. Cocoa Blvd., Cocoa (Brevard County), Florida 32922, on or after January 21, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Qablwi Auto Sales are dealer operator(s): Nezar Qablwi, 1229 Winding Meadows Rd., Rockledge, FL 32995; principal investor(s): Ramzy's A. Inc., 1206 N. Cocoa Blvd., Cocoa, FL 32922, Nezar and Amelia Qablwi, 1229 Winding Meadows Rd., Rockledge, FL 32955.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Raul Romero, Jr., Sales Manager, Mod Cycles Corp., 7547 N. W. 52nd Street, Miami, FL 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Ducati North America, Inc., intends to allow the establishment of Ducati Tampa USA as a dealership for the sale of Ducati motorcycles, at 12003 N. Nebraska Ave., Tampa (Hillsborough County), Florida 33612, on or after November 18, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Ducati Tampa USA are dealer operator(s) and principal investor(s): Julie Kronfeld, 12003 N. Nebraska Avenue, Tampa, FL 33612.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Katie Freitag, Dealer Development Coordinator, Ducati North America, Inc., 10443 Bandlely Drive, Cupertino, CA 95014.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Bajaj USA LLC, intends to allow the establishment of Gekgo Scooters d/b/a Mojo Scooters as a dealership for the sale of Bajaj motorcycles, at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after February 16, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Gekgo Scooters d/b/a Mojo Scooters are dealer operator(s) and principal investor(s): Peter M. Spoto, 100 Squire Court, Dunedin, FL 34698.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Albert Kolvites, Managing Member, Bajaj USA LLC, 526 Eccles Avenue, South San Francisco, CA 94080-1905.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**NOTICE OF RECEIPT OF PETITION**

**TERN BAY COMMUNITY DEVELOPMENT DISTRICT**

On December 26, 2003, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Tern Bay Community Development District (the "District"). The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (FAC), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

**SUMMARY OF CONTENTS OF PETITION:** The petition filed by Tern Bay Development Co., LLC, requests the Commission establish a community development district located within the unincorporated area of Charlotte County, Florida. The land area proposed to be served by the District comprises approximately 1,788.97 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no parcels located within the external boundaries of the proposed District which are to be excluded

from the District. All lands proposed to be included in the District are designated as Mixed Use Development of Regional Impact on the Charlotte County Future Land Use Map. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, street lighting, water and wastewater, surface water management, landscaping and security walls, and park and recreational facilities.

**SUMMARY OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 10 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and Charlotte County. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. Charlotte County will also incur one-time administrative costs which are offset by the required filing fee paid to Charlotte County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the



operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses and will not have any impact on small counties and cities. Charlotte County is not a small county as defined in Section 120.52, F.S. Under section (e), certain data was provided by the developer/petitioner and represents the best information available. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other community development district in various stages of existence.

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

DATE AND TIME: Wednesday, March 24, 2004, 9:00 a.m.

PLACE: Charlotte County Justice Center, Courtroom 4C, 350 East Marion Avenue, Punta Gorda, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Geri L. Waksler, (941)637-1955, at least five (5) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Geri L. Waksler, Moore and Waksler, P.L., 1107 West Marion Avenue, Suite 112, Punta Gorda, Florida 33950 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, Telephone (850)487-1884.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Turnkey (Lease) Construction Program

The Agency for Healthcare Administration has received an application for services exemption from Heart of Florida Regional Medical Center, Davenport, Florida pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.207, Florida Administrative Code. The service category requested is Orthopedics.

Comments received within 15 days of publication will be considered by the Agency prior to making a determination exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)487-2717, e-mail: Jack Plagge, Hospital and Outpatient Services Unit, [plaggej@fdhc.state.fl.us](mailto:plaggej@fdhc.state.fl.us)

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Escambia	District: 1
ID # 0300024	Decision: A Issue Date: 2/16/2004
Facility/Project: Sacred Heart Hospital	
Applicant: Sacred Heart Health Systems, Inc.	
Project Description: Convert 17 hospital-based Medicare certified skilled nursing beds to 17 acute care beds	
Proposed Project Cost: \$0	

County: Broward District: 10  
ID # 0300025 Decision: A Issue Date: 2/19/2004  
Facility/Project: Holy Cross Hospital  
Applicant: Holy Cross Hospital, Inc.  
Project Description: Delicense six acute care beds  
Proposed Project Cost: \$150,000

County: Palm Beach District: 9  
ID # 0300026 Decision: D Issue Date: 2/23/2004  
Facility/Project: Delray Medical Center  
Applicant: Delray Medical Center, Inc.  
Project Description: Add 31 acute care beds to Delray Medical Center  
Proposed Project Cost: No Approved Cost

County: Orange District: 7  
ID # 0300027 Decision: A Issue Date: 2/23/2004  
Facility/Project: Florida Hospital East Orlando  
Applicant: Adventist Health System/Sunbelt, Inc.  
Project Description: Add 13 acute care beds to the existing 131 acute care beds  
Proposed Project Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

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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**

On February 23, 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 Arthur Ebarvia Paraiso, M.D., license number ME 29837. 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.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN February 16, 2004  
 and February 20, 2004**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

5B-2.001	2/20/04	3/11/04	29/50	
5B-2.002	2/20/04	3/11/04	29/50	
5B-54.003	2/20/04	3/11/04	29/50	
5B-54.010	2/20/04	3/11/04	29/50	
5B-54.0115	2/20/04	3/11/04	29/50	
5B-54.018	2/20/04	3/11/04	29/50	30/3

**DEPARTMENT OF EDUCATION**

**University of West Florida**

6C6-5.016	2/17/04	3/8/04	Newspaper	
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**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

9B-72.030	2/18/04	3/9/04	29/51	
9B-72.100	2/18/04	3/9/04	29/51	
9B-72.180	2/18/04	3/9/04	29/51	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF TRANSPORTATION**

14-15.0081	2/16/04	3/7/04	29/49	
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**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST**

18-21.003	2/17/04	3/8/04	29/27	
18-21.004	2/17/04	3/8/04	29/27	
18-21.005	2/17/04	3/8/04	29/27	
18-21.008	2/17/04	3/8/04	29/27	
18-21.009	2/17/04	3/8/04	29/27	
18-21.010	2/17/04	3/8/04	29/27	
18-21.011	2/17/04	3/8/04	29/27	

**DEPARTMENT OF CORRECTIONS**

33-601.713	2/16/04	3/7/04	29/50	30/3
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**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-1.107	2/20/04	3/11/04	29/52	
40D-4.091	2/20/04	3/11/04	29/49	30/3

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

60Y-10.002	2/18/04	3/9/04	30/3	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

61G1-14.001	2/17/04	3/8/04	29/47	
61G1-20.001	2/17/04	3/8/04	29/47	

**Board of Professional Engineers**

61G15-21.001	2/18/04	3/9/04	29/41	
61G15-21.003	2/18/04	3/9/04	29/41	
61G15-21.004	2/18/04	3/9/04	29/41	
61G15-21.005	2/18/04	3/9/04	29/41	

**DEPARTMENT OF HEALTH**

**Board of Optometry**

64B13-3.019	2/17/04	3/8/04	30/3	
64B13-4.001	2/17/04	3/8/04	30/3	
64B13-4.005	2/17/04	3/8/04	30/3	

**Division of Family Health Services**

64F-17.001	2/20/04	2/20/04	30/5	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

69A-21.115	2/16/04	3/7/04	29/37	29/46
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**Division of Workers' Compensation**

69L-6.008	2/20/04	3/11/04	29/52	
69L-6.014	2/20/04	3/11/04	29/52	

**Office of Insurance Regulation**

69O-176.013	2/17/04	3/8/04	29/36	30/3
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Section XIV  
List of Rules Affected

				Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
				4-149.105	24/3c		
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.					24/3c		
w	Signifies Withdrawal of Proposed Rule(s)			4-149.106	24/3c		
c	Rule Challenge Filed			4-149.107	24/3c		
v	Rule Declared Valid			4-149.108	24/3c		
x	Rule Declared Invalid			4-149.109	24/3c		
d	Rule Challenge Dismissed			4-149.110	24/3c		
dw	Dismissed Upon Withdrawal			4-149.1105	24/3c		
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.				
STATE				4-149.111	24/3c		
				4-149.112	24/3c		
1B-24.002	26/43			4-149.113	24/3c		
1S-2.031	29/45	29/50		4-149.114	24/3c		
		30/7		4-149.115	24/3c		
1S-2.034	29/45	29/50	30/4	4-149.116	24/3c		
1S-2.037	29/50		30/5	4-149.117	24/3c		
1S-2.038	29/50		30/5	4-149.118	24/3c		
LEGAL AFFAIRS				4-149.119	24/3c		
				4-149.120	24/3c		
2B-1.0025	29/42	29/48	30/7	4-149.121	24/3c		
		29/50	30/7	4-149.122	24/3c		
BANKING AND FINANCE				4-149.123	24/3c		
3D-40.0271	29/31			4-149.124	24/3c		
3D-40.043	29/31			4-149.125	24/3c		
3E-48.005	28/42			4-149.126	24/3c		
3E-600.015	29/52			4-149.127	24/3c		
3F-5.0015	29/39	29/45		4-149.128	24/3c		
3F-5.0035	29/39	29/45		4-149.129	24/3c		
3F-5.004	29/39	29/45		4-149.130	24/3c		
3F-5.006	29/39	29/45		4-149.131	24/3c		
3F-5.008	29/39	29/45		4-149.132	24/3c		
INSURANCE				4-149.133	24/3c		
4-1	29/33c			4-149.190	24/3c		
4-138.047	28/41			4-149.203	29/52	30/3	
4-141.0016	21/2c			4-149.204	29/52	30/3	
4-149	24/3c			4-149.205	29/52	30/3	
	24/3c			4-149.206	29/52	30/3	
4-149.101	24/3c			4-149.207	29/52	30/3	
	24/3c			4-154.201	29/37	30/3	
4-149.102	24/3c			4-154.202	29/37	29/42	
	24/3c					30/3	
4-149.103	24/3c						
	24/3c						
4-149.104	24/3c						
	24/3c						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-154.203	29/37	29/46 30/3		5B-58.001	27/29 27/42	27/49	
4-154.204	29/37	30/3		5B-58.001(16)	27/50c		
4-154.210	29/37	30/3		5B-60.005	29/50		30/7
4-154.525	29/16	29/25		5B-60.006	29/50		30/7
4-166.045	30/1	30/3		5B-60.009	29/50		30/7
4-176.013	29/36	30/3		5B-60.010	29/50		30/7
4-200.007	29/44	30/3		5B-60.013	29/50		30/7
4-211.031	27/44			5B-60.015	29/50		30/7
4-228.055	26/35			5B-60.016	29/50		30/7
4A-3.002	27/12			5E-1.016	29/50		30/6
4A-21.115	29/37	29/46		5E-2.011	29/32		
4A-41.108	29/25			5E-2.033	30/9		
4A-62.0001	29/44	29/46		5E-13.021	30/1		30/7w
4A-62.001	29/44	29/46			30/7		
4A-62.002	29/44	29/46		5E-13.022	30/1		30/7w
4A-62.003	29/44	29/46			30/7		
4A-62.006	29/44	29/46		5E-13.027	30/1		30/7w
4A-62.007	29/44	29/46			30/7		
4A-62.020	29/44	29/46		5E-13.030	30/1		30/7w
4A-62.021	29/44	29/46			30/7		
4A-62.022	29/44	29/46		5E-13.031	30/1		30/7w
4A-62.023	29/44	29/46			30/7		
4A-62.030	29/44	29/46		5E-13.032	30/1		30/7w
4A-62.031	29/44	29/46			30/7		
4A-62.032	29/44	29/46		5E-13.034	30/1		30/7w
4A-62.033	29/44	29/46			30/7		
4A-62.034	29/44	29/46		5E-13.035	30/7		
4A-62.035	29/44	29/46		5E-13.036	30/1		30/7w
4A-62.036	29/44	29/46			30/7		
4A-62.040	29/44	29/46		5E-13.037	30/1		30/7w
4A-62.041	29/44	29/46			30/7		
4A-62.042	29/44	29/46		5E-13.039	30/1		30/7w
4A-62.043	29/44	29/46			30/7		
4A-62.044	29/44	29/46		5E-13.040	30/1		30/7w
4A-62.045	29/44	29/46			30/7		
4C-6.003	29/38			5E-14.103	30/7		
4C-40.0055	28/47			5E-14.142	30/7		
4L-24.0231	29/39	29/46		5F-11.029	29/52		
AGRICULTURE AND CONSUMER SERVICES				5I-4.002	29/34		
5B-2.001	29/50	30/4	30/10	5I-4.003	29/34		
5B-2.002	29/50	30/4	30/10	5I-4.005	29/34		
5B-3.001	29/50		30/7	5I-4.006	29/34		
5B-40.0055	30/4			5I-4.007	29/34		
5B-54.003	29/50		30/10	5I-4.008	29/34		
5B-54.010	29/50		30/10	5I-4.011	29/34		
5B-54.0115	29/50		30/10	5I-6.001	29/50		30/6
5B-54.018	29/50	30/3	30/10	5I-6.002	29/50		30/6
5B-57.001	29/52	30/7		5I-6.003	29/50		30/6
5B-57.003	29/52			5I-6.004	29/50		30/6
5B-57.004	29/52	30/7		5I-6.005	29/50		30/6
5B-57.005	29/52			5J-15.003	30/9		
5B-57.006	29/52			5K-4.002	29/43		30/5
5B-57.010	29/52	30/7					

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
EDUCATION				6E-1.0032	29/29 29/47		30/3
6A-1	29/50c 29/52c			6E-2.001	29/47		
6A-6.030191	30/7			6E-2.004	29/47	30/8	
6A-6.03020	30/7			6E-3.002	28/43		
6A-6.03028	30/7			6L-1.001	28/12		
6A-6.030281	30/7			6L-1.002	28/12		
6A-6.03029	30/7			6L-1.004	28/12		
6A-6.03032	30/7			6L-1.005	28/12		
6A-6.0331	30/7			6L-1.006	28/12		
6A-6.03311	30/7			6L-1.007	28/12		
6A-6.03312	30/7			6L-1.008	28/12		
6A-6.03313	30/7			6L-1.009	28/12		
6A-6.03314	30/7			6L-1.010	28/12		
6A-6.03411	30/7			6L-1.011	28/12		
6A-6.080	16/30			6L-1.012	28/12		
6A-10.060	30/8			6L-1.013	28/12		
6A-22.001	30/7			COMMUNITY AFFAIRS			
6A-22.002	30/7			9B-70.001	29/51		
6A-22.0031	30/7			9B-72.030	27/31	27/44 27/51	30/10 30/10
6A-22.006	30/7				29/51		30/10
6A-22.010	30/7			9B-72.100	27/31	27/51 28/9	30/10 30/10
6A-22.011	30/7				29/51		30/10
6C3-2.012	Newspaper		30/4	9B-72.180	27/31	27/51 28/9	30/10 30/10
6C3-2.015	Newspaper		30/4		29/51		30/10
6C3-2.028	Newspaper		30/4	9B-72.180	27/31	27/51 28/9	30/10 30/10
6C4-6.013	Newspaper		30/4		29/51		30/10
6C6-5.016	Newspaper		30/10	9J-5.0055	18/40		
6C11-4.001	Newspaper		30/4	9K-8.011	28/13		
6C11-4.002	Newspaper		30/4	HEALTH AND REHABILITATIVE SERVICES			
6C11-4.003	Newspaper		30/6	10-5.011(1)(v)	15/46c		
6C11-6.001	Newspaper		30/4	10M-9.026	22/1		
6C11-8.001	Newspaper		30/4	10M-9.045	22/1		
6C11-8.002	Newspaper		30/4	LAW ENFORCEMENT			
6C11-8.003	Newspaper		30/4	11B-27.0011	30/1		
6C11-8.004	Newspaper		30/4	11B-27.004	30/1		
6C11-8.005	Newspaper		30/4	11B-27.005	30/1		
6C11-8.006	Newspaper		30/4	11B-27.006	27/17		
6C11-8.007	Newspaper		30/4	11B-30.014	19/40		
6C11-8.008	Newspaper		30/4	REVENUE			
6C11-8.009	Newspaper		30/4	12-24.022	28/4		
6C11-8.010	Newspaper		30/4	12A-1.038	28/27		
6C11-8.011	Newspaper		30/4	12A-1.094	28/27	28/41	
6C11-8.012	Newspaper		30/4	12A-6.038	29/17		
6C11-8.013	Newspaper		30/4	12B-6.001(1)(c)3.b.	29/30c		
6C11-8.014	Newspaper		30/4	12B-8	23/8c		
6C11-8.015	Newspaper		30/4	12C-1.0187	29/48	30/5	
6C11-8.016	Newspaper		30/4	12C-1.0222	29/48		
6D-3.0021	29/45	29/52					
6D-3.007	29/45						
6D-3.008	29/40		30/3				
6D-6.020	29/40		30/3				
6D-12.002	29/40		30/3				
6D-17.002	29/40		30/3				

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
12C-1.051	29/48	30/5		15B-2.010	30/5		
12D-8.0068	29/44	29/46	30/4	15B-2.0101	30/5		
12D-8.0082	29/44	30/1	30/9w	15B-2.0102	30/5		
12D-10.0044	29/26	29/36		15B-2.011	30/5		
	29/39c			15B-2.012	30/5		
12D-13.045	29/41		30/4	15B-2.013	30/5		
12D-13.060	29/41		30/4	15B-2.014	30/5		
12D-13.062	29/41		30/4	15B-2.015	30/5		
12D-13.064	29/41		30/4	15B-2.016	30/5		
12D-13.065	29/41		30/4				
12D-16.002	20/37	20/46	30/4	ENVIRONMENTAL REGULATION			
	23/37	23/45	30/4	17-503.420	16/15		
	25/40	25/51	30/4	17-503.430	16/15		
	28/40	28/49	30/4	17-503.500	16/15		
	29/41	29/50	30/4	17-660.300	15/50	16/8	
				17-671.100	15/32		
				17-671.200	15/32		
				17-671.300	15/32		
				17-671.310	15/32		
TRANSPORTATION				BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST			
14-10.003	23/7	24/17	30/4	18-1	29/52c		30/10d
	29/47		30/4	18-21.003	29/27		30/10
14-10.004	23/7	24/4	30/4	18-21.004	25/48	25/50	
		24/11	30/4		29/27		30/10
		24/17	30/4	18-21.005	29/27		30/10
	29/47		30/4	18-21.008	29/27		30/10
14-10.0043	29/47		30/4	18-21.009	29/27		30/10
14-10.0052	28/47	29/38		18-21.010	29/27		30/10
	29/44c		30/9d	18-21.011	29/27		30/10
14-15.002	28/13			STATE BOARD OF ADMINISTRATION			
14-15.003	26/46			19-8.010	30/6	30/8	
14-15.0081	29/49	30/4	30/10	19-8.012	30/6	30/8	
	30/9			19-8.013	30/6	30/8	
14-15.010	29/50		30/3	19-8.029	30/6	30/8	
14-96.004	29/49		30/4	19-8.030	30/6	30/8	
14-102.0011	30/1		30/8	19B-4.001	29/44	29/49	30/4
14-114.0011	29/52		30/7	19B-11.007	30/8		
14-116.002	29/52		30/7	19B-15.001	28/8		
HIGHWAY SAFETY AND MOTOR VEHICLES				19B-15.002	28/8		
15A-9.001	29/36		30/3	19B-15.003	28/8		
15A-9.002	29/36		30/3	19B-15.004	28/8		
15A-9.003	29/36	29/41	30/3	19B-15.005	28/8		
15A-9.004	29/36		30/3	19B-15.006	28/8		
15A-9.005	29/36	29/41	30/3	19B-15.007	28/8		
15A-9.006	29/36		30/3	19B-15.008	28/8		
15A-9.007	29/36	29/41	30/3	19B-15.009	28/8		
15A-9.008	29/36	29/41	30/3	19B-15.010	28/8		
15A-9.009	29/36		30/3	19B-15.011	28/8		
15A-9.010	29/36	29/41	30/3	19B-16.002	29/44	29/49	30/4
15A-9.011	29/36		30/3				
15A-9.013	29/36		30/3				
15A-9.014	29/36		30/3				
15B-2.007	30/5						
15B-2.008	30/5						
15B-2.0082	30/5						
15B-2.009	30/5						



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
CITRUS				33-22.003	17/12		
20ER03-2			29/46	33-22.009	17/12		
20ER03-3			29/46	33-22.011	17/12		
20ER03-4			30/1	33-32.021	19/5		
20-13.0011	29/50		30/8	33-32.022	19/5		
20-15.001	28/46	29/10		33-38.001	25/35	25/43	
20-15.002	28/46			33-38.003	25/35	25/43	
20-15.003	28/46	29/10		33-38.005	25/35	25/43	
20-109.005	30/2			33-38.006	25/35	25/43	
20-115.001	29/50		30/8	33-38.009	25/35	25/43	
PROFESSIONAL REGULATION				33-38.010	25/35	25/43	
21M-49.002	19/6c			33-38.011	25/35	25/43	
21M-50.002	19/6c			33-38.012	25/35	25/43	
21M-50.003	19/6c			33-204.111	27/29		
21M-50.007	19/6c			33-208.002	30/6		
21M-50.009	19/6c			33-208.507	26/16		
PUBLIC SERVICE COMMISSION				33-501.302	29/39	29/44	
25-6.014	29/51					29/51	
25-6.015	29/51					30/3	
25-6.018	30/10					30/9	
25-6.043	29/51		30/6	33-501.310	30/7		
25-6.0435	29/51		30/6	33-507.201	29/48	30/6	
25-6.135	29/51			33-601.209	30/6		
25-6.1351	29/51			33-601.217	30/6		
25-22.032	39/36	29/51	30/4	33-601.220	30/6		
25-30.445	29/45	30/3	30/9	33-601.220	30/6		
25-30.446	29/45		30/9	33-601.230	29/19		
EXECUTIVE OFFICE OF THE GOVERNOR				33-601.502	29/50		30/6
27E-4.001	20/11			33-601.602	26/36	26/49	30/9
27E-4.002	20/11					27/3	30/9
27E-4.003	20/11			33-601.713	30/2		30/9
27E-4.004	20/11			33-601.725	29/50	30/3	30/10
27E-4.005	20/11			33-601.725	28/4	28/9	
27E-4.006	20/11			33-601.738	26/48	27/38	
27E-4.007	20/11			33-601.800	30/7		
27E-4.008	20/11			33-601.820	30/6		
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29C-1.005	29/4			33-602.210	28/5	28/19	30/8
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33-3.0082	25/35	25/43				30/6	
33-3.0084	25/35	25/43		33-602.221	29/48	30/1	
33-3.0085	25/35	25/43				30/6	
33-3.015	21/43			33-602.222	29/48	30/1	
33-3.018	17/14					30/6	
33-8.0142	19/43			33-602.223	29/51		30/7
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33-3.0082	25/35	25/43		38I-60.200	20/7		
33-3.0084	25/35	25/43		38K-1.0045	23/27		
33-3.0085	25/35	25/43					
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40C-1.004	29/48	30/8		40E-1.606	19/4c		
40C-1.101	27/52			40E-1.607	19/43		
40C-1.181	20/18			40E-1.612	20/18	21/36	
40C-9.021	30/4			40E-1.614	20/18	21/36	
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40C-9.061	30/4			40E-3.032	28/5		
40C-9.081	30/4			40E-3.0391	28/5		
40C-9.110	30/4			40E-4.091	20/18	21/36	
40C-9.115	30/4				29/50c		
40C-9.117	30/4			40E-7.523	28/39		
40C-9.290	30/4			40E-7.532	28/39		
40C-9.320	30/4				29/43c		30/6d
40C-9.330	30/4			40E-7.639	22/23	22/37	
40C-9.340	30/4			40E-20.651	29/17		
40C-9.360	30/4			40E-63.223	27/2	27/9	
40C-9.370	30/4			40E-601.314	26/9		
40C-400.201	21/48	21/48		FLORIDA LAND AND WATER ADJUDICATORY COMMISSION			
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40D-2.301	22/48			MARINE FISHERIES COMMISSION			
40D-2.331	20/48			46-15.002	21/35		
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40D-3.507	29/44		30/7	46-24.003	21/27		
40D-4.021	29/49		30/7	46-37.001	20/18		
40D-4.051	20/16	21/22	30/7	46-37.002	20/18	20/25	
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40D-4.053	29/49		30/7	46-37.005	20/18		
40D-4.091	22/48			46-37.006	20/18	20/25	
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40D-4.381	29/49		30/7	53ER03-57			29/45
40D-45.341	19/42	20/3		53ER03-58			29/47
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40D-400.475	29/49		30/7	53ER03-64			29/52
40D-602.221	28/47			53ER03-65			30/1
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53ER03-69			30/3	59A-33.013	29/52		
53ER03-70			30/3	59A-33.014	29/52		
53ER04-1			30/5	59B-7.020	19/30		
53ER04-2			30/5	59B-7.021	19/30		
53ER04-3			30/5	59B-7.022	19/30		
53ER04-4			30/6	59B-7.023	19/30		
53ER04-5			30/6	59B-7.024	19/30		
53ER04-6			30/7	59B-7.025	19/30		
53ER04-7			30/7	59B-7.026	19/30		
53ER04-8			30/7	59B-7.027	19/30		
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53-19.0035	25/43			59B-9.015	30/5		
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59A-3.170	21/20			59E-1.004	20/27		
59A-3.180	21/3			59E-1.005	20/27		
59A-3.2055	22/52	23/10		59E-1.006	20/27		
59A-3.255	29/36	29/48		59E-1.007	20/27		
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59A-33.003	29/52			59G-6.010	29/52		30/7
59A-33.004	29/52				29/52		30/9w
59A-33.005	29/52			59G-6.020	29/48		30/5
59A-33.006	29/52				29/52		30/7
59A-33.007	29/52				29/52		30/7
59A-33.008	29/52			59G-6.030	29/52		30/9w
59A-33.009	29/52				29/52		30/7
59A-33.010	29/52			59G-6.045	29/52		30/9w
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59G-8.202	29/30			60A-1.031	29/43		30/6
59G-8.203	29/30			60A-1.044	30/10		
59G-8.204	29/30			60A-1.047	30/10		
59G-8.205	29/30			60BB-2.0255	30/9		
59G-8.206	29/30			60BB-2.037	30/9		
59G-8.207	29/30			60DD-1.002	30/4		
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59G-8.209	29/30			60H-1.003	30/4	30/10	
59G-8.210	29/30			60H-1.006	30/4		
59G-8.211	29/30			60H-1.007	30/4		
59G-9.070	30/9			60H-1.015	30/4	30/10	
59G-12.001	29/41			60H-1.017	30/4	30/10	
59G-12.002	29/41	29/48		60H-1.022	30/4		
59G-12.003	29/41			60H-1.029	30/4	30/10	
59G-12.004	29/41			60H-1.030	30/4		
59G-12.005	29/41	29/48		60H-2.001	30/4	30/10	
59G-208.101	27/4	27/16		60H-2.002	30/4	30/10	
59H-1.00352	26/3	26/17		60H-2.0021	30/4	30/10	
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59O-2.003	22/34	24/49		60L-39.005	29/47		30/9
59O-3.002	22/34	24/49		60L-39.006	29/47		30/9
59O-9.003	22/34	24/48		60L-39.007	29/47		30/9
59Q-9.002	20/39			60R-1.00481	29/52	30/10	
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59T-14.004	23/22	23/35		60Y-4.003	29/50		30/5
59T-15.002	23/22	23/35		60Y-4.004	29/50		30/5
59T-16.001	23/22	23/35		60Y-4.005	29/50		30/5
59T-16.002	23/22	23/35		60Y-4.006	29/50		30/5
59U-11.019	20/51	21/7		60Y-4.007	29/50		30/5
59U-14.002	23/24	23/35		60Y-4.008	29/50		30/5
59V-3.007	20/34	20/48		60Y-4.009	29/50		30/5
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				60Y-4.013	29/50		30/5
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				60Y-4.020	29/50		30/5
				60Y-4.021	29/50		30/5
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				60Y-4.023	29/50		30/5
				60Y-4.024	29/50		30/5
				60Y-4.025	29/50		30/5
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60Y-5.004	29/50		30/5	61D-11.004	29/50		
60Y-5.005	29/50		30/5	61D-11.005	29/50		
60Y-5.006	29/50		30/5	61D-11.006	29/50		
60Y-5.008	29/50		30/5	61D-11.007	29/50		
60Y-8.001	29/50		30/5	61D-11.008	29/50		
60Y-9.001	29/50		30/5	61D-11.009	29/50		
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61A-7	29/47c			61E1-4.002	29/41	30/3	
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61A-7.004	29/41			61F6-50.007	18/53	20/24	
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61A-7.006	29/41			61F9-6.011	19/36		
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61A-7.009	29/41			61G1-11.017	29/47		
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61A-7.010	29/41			61G1-14.001	29/47		30/10
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61A-7.015	29/41			61G1-23.040	29/28		
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61B-32.001	21/30			61G2-3.002	30/6		
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61C-3.002	22/23	22/36		61G3-16.007	29/36		
61C-5.001	26/24			61G3-16.0091	27/11		
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61G5-24.002	30/6			61J1-4.001	29/44		
61G5-30.004	30/6			61J1-4.002	26/45	28/7	30/7
61G6-5.001	29/5	29/7			29/44		30/7
61G6-5.004	29/51	30/8		61J1-4.003	29/44		
61G6-5.006	30/8			61J1-4.005	28/41	28/43	
61G6-6.001	30/8				29/44		
61G6-10.002	29/51		30/6	61J1-4.007	29/44		30/7
61G6-10.007	29/42	29/52	30/7	61J1-4.008	29/44		30/7
61G7-10.011	26/13			61J1-4.009	29/44		30/7
61G8-22.002	30/10			61J1-4.010	29/44		30/7
61G8-30.0021	30/6			61J1-4.240	27/45		
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61G10-11.0035	30/10			61J1-6.001	29/44		
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61G11-25.001	20/22			61J1-7.004	28/41	28/43	
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61G15-21.001	29/41		30/10	61J2-2.032	29/44		30/5
61G15-21.003	29/41		30/10	61J2-3.010	29/11	29/39	
61G15-21.004	29/41		30/10			30/4	
61G15-21.005	29/41		30/10	61J2-3.011	29/44		30/5
61G15-22.006	29/35			61J2-3.012	29/44	30/8	
61G15-23.001	29/48		30/5	61J2-3.020	29/11	29/39	
61G15-23.002	29/48		30/5			29/45	
61G15-24.001	29/41	30/7	30/8w			30/7	
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61G15-30.009	29/41		30/8w	61J2-4.007	29/44		30/5
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61G15-35.003	30/7			61J2-5.016	28/22	29/40	
61G15-35.004	30/7			61J2-5.018	29/44	30/8	
61G16-2.001	23/12			61J2-5.019	29/44	30/8	
61G16-5.003	21/43	21/50		61J2-5.020	29/44		
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61G17-1.010	29/4			61J2-10.022	29/44		30/5
61G17-2.0015	30/2			61J2-10.029	29/44		30/5
61G17-2.006	29/39			61J2-14.009	29/44		30/5
61G17-9.007	29/39			61J2-14.010	29/45		30/5
61G18-16.002	26/29			61J2-14.011	29/44		30/5
61G18-16.003	26/29			61J2-14.012	29/44		
61G18-16.0035	26/29			61J2-17.009	29/44		



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62-40.520	28/51			62-712.430	21/34		
62-40.531	28/51			62-712.440	21/34		
62-40.540	28/51			62-712.450	21/34		
62-40.610	28/51			62-712.460	21/34		
62-210.990	20/36			62-712.500	21/34		
62-213.430	20/52	21/7		62-712.800	21/34		
62-296.401	22/32	22/38		62-712.810	21/34		
62-297.320	29/50		30/6	62-712.900	21/34		
62-302.530	29/12			62-730.050	23/7		
	29/35c			62-730.220	28/24		
	29/35c			62-761.891	24/14		
62-302.540	27/52			62-771.300	21/52		
	29/12			62-775.500	21/52	22/15	
	29/35c			62-788.400	25/5		
	29/35c			62B-2	28/8		
	29/35c			62D-2.014	21/52	22/13	
62-304.300	30/6c			62N-3.002	21/43		
62-304.510	29/25			62N-36.004	21/43		
62-304.700	29/43c			62R-7.002	21/17		
62-312.122	24/18			62R-7.010	23/34		
62-330.2001	26/9			62R-7.020	21/17		
62-341.602	21/22	21/22		62R-7.022	21/17		
62-343.010	21/22			62R-7.025	21/17		
62-343.020	21/22			62R-7.026	21/17		
62-343.030	21/22			62R-7.028	21/17		
62-343.040	21/22				22/47		
62-343.050	21/22			62R-7.032	21/17		
62-343.060	21/22						
62-343.070	21/22			JUVENILE JUSTICE			
62-343.080	21/22						
62-343.090	21/22			63F-8.001	30/5		
62-343.100	21/22			63F-8.002	30/5		
62-343.110	21/22			63F-8.003	30/5		
62-343.120	21/22			HEALTH			
62-343.130	21/22						
62-343.140	21/22			64B-1.009	25/39	26/1	
62-343.900	21/22			64B-5.001	29/51		
62-524.400	20/45				30/9c		
62-550.310	20/47			64B-5.002	29/51		
62-550.730	20/19				30/9c		
62-561.100	24/52			64B-21.0015	27/39		
62-610.814	24/52			64B-21.004	27/39		
62-621.200	21/52			64B-21.006	27/39		
62-624.600	29/48		30/4	64B1-2.009	30/4		
62-624.700	29/48		30/4	64B1-2.0095	30/4		
62-624.800	29/48		30/4	64B1-4.001	30/6		
62-624.810	29/9	29/12		64B1-6.011	30/4		
62-701	22/42c			64B1-31.001	27/51	28/6	
62-707.500	22/30			64B2-13.0049	29/47		30/4
62-712.100	21/34			64B3-2.001	23/51		
62-712.200	21/34			64B3-2.002	22/34	24/49	
62-712.300	21/34				29/50		30/5
62-712.400	21/34			64B3-2.003	22/34	24/49	
62-712.410	21/34				29/50		30/5
62-712.420	21/34			64B3-3.001	29/50		30/5



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64B3-3.002	29/50		30/5w	64B8-5.001	29/26	29/52	
64B3-3.004	23/51			64B8-9.003(2)	29/43c		
64B3-4.001	29/51	30/7		64B8-9.007	29/52		30/7
64B3-5.001	30/10			64B8-9.014	29/50c		
64B3-5.002	30/9			64B8-13.0045	27/48	28/16	
64B3-5.003	30/9			64B8-13.005	30/8		
64B3-5.004	30/9			64B8-30.012	29/23c		
64B3-5.007	30/9			64B8-44.007	30/9		
64B3-5.008	30/9			64B8-51.001	29/43		30/7
64B3-6.001	27/5	27/17		64B8-52.001	30/9		
	30/1			64B8-52.004	29/16	29/18	30/4w
64B3-6.002	30/1	30/9		64B8-52.005	29/43		30/5
64B3-6.003	30/1			64B8-54.004	27/41		
64B3-7.001	30/10			64B8-304.700	29/43c		
64B3-7.002	30/10			64B9-3.007	25/9		
64B3-8.002	30/1		30/8	64B9-5.003	29/52		30/8
64B3-8.003	30/1		30/8	64B9-8.003	29/52		30/8
64B3-8.004	30/1		30/8	64B9-8.006	29/52		30/8
64B3-8.005	30/1		30/8	64B9-15.0086	29/52		
64B3-9.005	30/1		30/8	64B10-15.002	30/9		
64B3-9.009	30/1		30/8	64B10-15.0021	30/9		
64B3-9.010	30/1		30/8	64B11-2.007	29/50		30/7
64B3-9.011	30/1		30/8	64B11-3.005	29/50		30/7
64B3-9.012	30/1		30/8	64B11-5.001	29/50		
64B3-10.005	30/10			64B11-6.001	29/50	30/7	
64B3-11.001	30/1		30/8	64B12-8.020	29/52		
64B3-11.003	30/1		30/8	64B12-11.003	29/50		30/5
64B3-11.004	30/1		30/8	64B12-11.015	29/46		30/5
64B3-12.002	30/1		30/8	64B12-19.002	27/11		
64B3-12.003	30/1		30/8	64B13-3.007	30/3	30/8	
64B3-12.004	30/1		30/8	64B13-3.019	30/3		30/10
64B3-12.005	30/1		30/8	64B13-4.001	30/3		30/10
64B4-3.001	25/22			64B13-4.005	30/3		30/10
64B4-4.017	25/32			64B13-11.001	30/3		
64B4-4.018	25/32			64B13-11.004	30/3		
64B4-5.007	25/32			64B14-3.001	29/50		30/7
64B4-6.0013	25/32			64B15-6.002	29/40		30/8
64B4-6.0045	25/32			64B15-6.003	29/40		30/8
64B5-2.0135	29/42			64B15-6.0035	29/44	30/10	
64B5-15.010	27/30			64B15-6.0037	29/40		30/8
64B5-16.005	29/42			64B15-6.0038	29/40		30/8
64B5-16.006	29/42			64B15-6.006	30/9		
64B6-1.016	28/52			64B15-6.013	29/40		30/8
64B6-4.003	30/8			64B15-14.009	29/40	29/52	
64B6-4.004	30/8					30/10	
64B6-4.011	30/8			64B16-27.104	30/10		
64B6-55.004	27/41			64B16-27.104(6)	29/44c		
64B7-27.002	29/7			64B16-27.105	27/4	27/21	
64B7-27.012	24/12			64B16-28.140	24/38		
64B7-32.001	26/6			64B16-28.871	29/43c		
64B8ER04-2			30/8		29/43c		
64B8-1.007	29/48	30/10			30/10		
64B8-2.001	30/8			64B17-2.001	30/9		
64B8-3.002	29/48		30/4	64B17-2.002	30/3		
	30/8			64B17-2.003	30/3		
64B8-4.009(10)	30/6c		30/10d	64B17-2.004	30/3		

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64B17-2.005	30/9			64E-9.007	29/52		
64B17-2.008	30/3			64E-9.007(16)(b)	30/10c		
64B17-3.005	30/3			64E-9.008	29/52		
64B17-3.006	30/9			64E-9.009	29/52		
64B17-4.005	30/3			64E-9.010	29/52		
64B17-4.006	30/9			64E-9.011	29/52		
64B17-5.002	30/9			64E-9.011(2)(g),(8)(c)	30/10c		
64B17-6.001	30/9			64E-9.013	29/52		
64B17-7.002	30/9			64E-9.015	29/52		
64B17-7.004	30/9			64E-9.017	29/52		
64B17-7.005	30/9			64E-9.018	29/52		
64B18-14.002	30/9			64FER03-4			29/51
64B18-14.010	30/9			64F-6.003	30/4		
64B18-14.011	30/9			64F-12.001	29/46		30/4
64B19-11.001	30/9			64F-12.012	29/52	30/8	
64B19-12.002	29/51		30/6	64F-17.001	30/5		30/10
64B19-12.003	29/51		30/6	64V-1.001	30/2		30/9
64B20-2.002	25/45	26/30		64V-1.002	30/2		30/9
64B20-3.004	30/6			64V-1.003	30/2	30/9	
64B20-4.002	29/42		30/5	64V-1.0031	30/2		30/9
64B20-4.003	29/42		30/5	64V-1.0032	30/2		30/9
64B20-6.001	30/6			64V-1.0033	30/2		30/9
64B24-4.001	29/16			64V-1.004	30/2		30/9
64B24-4.002	29/16			64V-1.006	30/2		30/9
64B24-4.004	29/16			64V-1.0061	30/2		30/9
64B24-4.006	29/16			64V-1.007	30/2		30/9
64B24-4.007	29/16			64V-1.008	30/2		30/9
64B24-4.010	29/16			64V-1.0081	30/2		30/9
64B32-5.001	28/3	28/5		64V-1.0131	30/2		30/9
64C-13.018	24/22			64V-1.014	30/2		30/9
64C-23.002	27/17			64V-1.016	30/2		30/9
64C-27.001	27/17			64V-1.018	30/2		
64C-27.002	27/17			64V-1.019	30/2		30/9
64E-6.001	30/4			64V-1.020	30/2		30/9
64E-6.003	30/4			64V-1.021	30/2		30/9
64E-6.005	30/4						
64E-6.007	25/48						
64E-6.010	30/4			CHILDREN AND FAMILY SERVICES			
64E-6.0101	30/4			65-1	30/6c		
64E-6.012	30/4				30/9c		
64E-6.013	30/4			65A-1.205	29/21		
64E-6.014	30/4			65A-1.400	25/21c		
64E-6.015	30/4				30/3		
64E-6.0151	30/4			65A-1.601	28/11	28/23	
64E-6.0181	30/4					28/31	
64E-6.021	30/4					28/41	
64E-6.022	30/4			65A-1.701	29/16		30/9w
64E-6.023	30/4				30/9		
64E-6.030	30/4			65A-1.702	29/16		30/9w
64E-9.001	29/52				30/9		
64E-9.002	29/52			65A-1.703	29/16		30/9w
64E-9.003	29/52				30/9		
64E-9.004	29/52			65A-1.704	29/44		30/5
64E-9.005	29/52			65A-1.710	28/41	29/5	
64E-9.006	29/52				29/16		30/9w
					30/9		

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65A-1.711	29/16		30/9w	67-48.002	29/52	30/6	
65A-1.712	29/16		30/9w	67-48.004	29/52	30/6	
	30/9			67-48.005	29/52	30/6	
65A-1.713	29/16		30/9w	67-48.006	29/52		
	30/9			67-48.007	29/52		
65A-1.714	29/16		30/9w	67-48.009	29/52		
65A-1.720	30/7			67-48.0095	29/52		
65A-4.213	25/32			67-48.010	29/52	30/6	
65A-4.216	25/32			67-48.0105	29/52		
65A-15.0095	26/4			67-48.012	29/52		
65C-16.008(2)	29/43c		30/6x	67-48.013	29/52		
65C-21.001	23/20			67-48.014	29/52	30/6	
	30/1			67-48.015	29/52		
65C-21.003	30/1			67-48.017	29/52		
65C-22.007	29/9			67-48.018	29/52		
65E-2.003	26/20	26/28		67-48.019	29/52		
65E-5.601	29/37	29/48	30/5	67-48.020	29/52		
65E-5.602	29/37	29/48	30/5	67-48.0205	29/52		
				67-48.021	29/52		
				67-48.022	29/52		
				67-48.023	29/52		
66B-1.003	29/47		30/9	67-48.025	29/52		
66B-1.004	29/47		30/9	67-48.026	29/52		
66B-1.005	29/47		30/9	67-48.027	29/52		
66B-1.008	29/47		30/9	67-48.028	29/52		
66B-2.003	29/47		30/9	67-48.029	29/52		
66B-2.004	29/47		30/9	67-48.030	29/52		
66B-2.005	29/47		30/9	67-48.031	29/52		
66B-2.008	29/47		30/9				
NAVIGATION DISTRICTS							
FLORIDA HOUSING FINANCE CORPORATION				FISH AND WILDLIFE CONSERVATION COMMISSION			
67-4.032	29/9	29/45		68A-1.004	30/1		
67-18.005	28/42			68A-2.015	30/1		
67-21.002	29/52	30/6		68A-4.001	30/1		
67-21.003	29/52	30/6		68A-4.0052	30/1		
67-21.0035	29/52	30/6		68A-5.005	30/1		
67-21.004	29/52			68A-13.003	30/1		
67-21.0041	29/52			68A-13.008	30/1		
67-21.0045	29/52			68A-15.004	30/1		
67-21.005	29/52			68A-15.005	30/1		
67-21.006	29/52			68A-15.061	30/1		
67-21.007	29/52			68A-15.062	30/1		
67-21.008	29/52			68A-15.063	30/1		
67-21.009	29/52			68A-15.064	30/1		
67-21.010	29/52			68A-15.065	30/1		
67-21.011	29/52			68A-17.004	30/1		
67-21.012	29/52			68A-17.005	30/1		
67-21.013	29/52			68A-20.005	30/1		
67-21.014	29/52			68A-23.002	30/1		
67-21.015	29/52			68A-23.005	30/1		
67-21.016	29/52				30/1		
67-21.017	29/52			68A-23.008	30/1		
67-21.018	29/52			68A-24.003	28/17		
67-21.019	24/46	24/46		68A-24.004	28/17		
	29/52			68A-24.0055	30/1		
67-32.009	24/28			68A-24.006	28/17		
67-48.001	29/52				30/1		

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68A-24.009	30/1			69A-62.021	29/44	29/46	
68A-25.031	30/1			69A-62.022	29/44	29/46	
68A-25.042	30/1			69A-62.023	29/44	29/46	
68B-4.005	30/1			69A-62.030	29/44	29/46	
68B-8.001	30/1			69A-62.031	29/44	29/46	
68B-8.002	30/1	30/9		69A-62.032	29/44	29/46	
68B-8.003	30/1	30/9		69A-62.033	29/44	29/46	
68B-8.004	30/1			69A-62.034	29/44	29/46	
68B-8.005	30/1			69A-62.035	29/44	29/46	
68B-8.006	30/1			69A-62.036	29/44	29/46	
68B-8.007	30/1			69A-62.040	29/44	29/46	
68B-8.008	30/1			69A-62.041	29/44	29/46	
68B-8.009	30/1	30/9		69A-62.042	29/44	29/46	
68B-8.010	30/1	30/9		69A-62.043	29/44	29/46	
68B-8.011	30/1	30/9		69A-62.044	29/44	29/46	
68B-8.012	30/1	30/9		69A-62.045	29/44	29/46	
68B-8.013	30/1	30/9		69B-211.042	30/7		
68B-8.014	30/1			69L-6.008	29/52		30/10
68B-8.015	30/1			69L-6.012	29/42	30/8	
68B-8.016	30/1			69L-6.014	29/52		30/10
68B-13.008	27/31	26/13		69L-6.021	29/42		
68B-21.008	30/1			69L-6.024	30/7		
68B-22.002	30/1			69L-26.002	30/9		
68B-22.005	30/1			69L-26.004	30/9		
68B-22.007	30/1	30/8		69M-1	29/52c		
68B-24.002	30/1			69O-149.002	30/3		
	30/1			69O-149.0025	30/3	30/8	
68B-24.0055	30/1	30/8		69O-149.003	30/3	30/8	
68B-24.006	30/1	30/8		69O-149.004	30/3		
68B-24.009	30/1			69O-149.005	30/3		
68B-32.002	30/1			69O-149.006	30/3		
68B-32.004	30/1			69O-149.007	30/3		
68B-32.005	30/1	30/2		69O-149.021	30/3	30/8	
		30/9		69O-149.023	30/3		
68E-1.001	30/1			69O-149.037	30/3	30/8	
68E-1.004	30/1			69O-149.038	30/3		
68E-1.006	30/1			69O-149.044	30/3		
68E-3.001	30/1			69O-149.051	30/3		
68E-3.003	30/1			69O-149.052	30/3		
68E-3.004	30/1			69O-149.053	30/3		
68E-4.004	30/1			69O-149.054	30/3		
68E-18.002	30/1			69O-149.203	29/52	30/3	
				69O-149.204	29/52	30/3	
				69O-149.205	29/52	30/3	
				69O-149.206	29/52	30/3	
				69O-149.207	29/52	30/3	
69-211.042	30/10c			69O-154.201	29/37	30/3	30/9
69A-21	30/6c		30/6d	69O-154.202	29/37	30/3	30/9
69A-21.115	29/37	29/46	30/10	69O-154.203	29/37	30/3	30/9
		29/49	30/10	69O-154.204	29/37	30/3	30/9
		30/4	30/10	69O-154.210	29/37	30/3	30/9
69A-62.0001	29/44	29/46		69O-166.045	30/1	30/3	
69A-62.001	29/44	29/46		69O-176.013	29/36	30/3	30/10
69A-62.002	29/44	29/46				30/4	30/10
69A-62.003	29/44	29/46					
69A-62.006	29/44	29/46		69O-200.007	29/44	30/3	30/9
69A-62.007	29/44	29/46					
69A-62.020	29/44	29/46					

FINANCIAL SERVICES