

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICE

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Licensed Pesticide Applicators 5E-9
and Dealers

RULE TITLES: RULE NOS.:

Pesticide Applicator Licenses 5E-9.019

Categories of Licensure for 5E-9.021
Pesticide Applicators

Procedures for Pesticide Applicator 5E-9.026
Certification, Licensure,
and License Renewal

Procedures for Pesticide Dealer Licensure 5E-9.027
and License Renewal

Procedures for Pesticide Applicator 5E-9.029
Recertification

Pesticide Applicator Records 5E-9.032

Pesticide Aircraft Registration, Liability 5E-9.036
Insurance/Surety Bond, Security, Inspection,
Storage, Recordkeeping, Area-of-Application
Information, Transactions, and Forms

PURPOSE AND EFFECT: The purpose of the rule amendment is to restrict the aerial category to commercial and public pesticide applicators; require aerial applicators who make pest management decisions to be licensed in all work-related categories; require pesticide certification exams to be given in English; delete the requirement for aerial applicators to file proof of insurance since it is now provided with each aircraft registered; clarify the affidavit and late fee requirements for pesticide applicator license renewal; reduce the number of continuing education units (CEUs) required for renewal of private applicator licenses from 8 to 4; harmonize terminology in reference to providers of CEU programs with terminology used by the Bureau of Entomology and Pest Control; modify the restricted use pesticide recordkeeping requirements to require a start and end time for each application; provide for the use of GPS coordinates or longitude/latitude points in pesticide applicator records to delineate treatment sites; specify the pesticide application records that must be maintained to meet the requirements of Section 487.081(6)(b), F.S., to qualify for exemption from proceedings by the Department of Environmental Protection; specify the length of time certificates of insurance must be maintained by aircraft registrants; update forms and addresses; add web site references; clarify confusing language; and correct inconsistencies within the rule chapter.

SUBJECT AREA TO BE ADDRESSED: Management of certification and training activities of Pesticide Applicators in the State.

SPECIFIC AUTHORITY: 487.0435, 487.046, 487.048, 487.049, 487.160, 570.07(23) FS.

LAW IMPLEMENTED: 487.0435, 487.044, 487.046, 487.048, 487.049, 487.160 FS.

IF REQUIRED 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., May 24, 2004

PLACE: AES Conference Room, Florida Department of Agriculture and Consumer Services Complex, 3125 Conner Blvd., Bldg. 8, Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650, (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-9.019 Pesticide Applicator Licenses.

(1) License types. Each individual licensed as a pesticide applicator must be licensed in one of three license types and must be licensed in a minimum of one primary category.

License types are:

~~(1) License types-~~

(a) through (c) No change.

(2) Restrictions on license types.

(a) Aerial application. No license type is valid for aerial application of pesticides unless the license includes the aerial category. The aerial category is available only to commercial and public applicators.

(b) through (c) No change.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History--New 6-9-94, Amended 7-2-95, 2-21-02, _____.

5E-9.021 Categories of Licensure for Pesticide Applicators.

(1) Description of primary categories.

(a) through (p) No change.

(q) Category 11 – Aerial Application. This category is applicable to individuals who apply any pesticide from an aircraft. This category is valid for licensure of ~~private~~, public, and commercial applicators for treatment sites that may legally (according to product label direction) be treated by aerial application under Chapter 487, F.S.

(r) through (s) No change.

(2) No change.

(3) Requirements and restrictions on category licensure.

(a) Private applicators who apply restricted use pesticides by ground application must be licensed in Category 1C – Private Applicator Agricultural Pest Control. ~~Private applicators who apply pesticides aerially must be licensed in Category 11 – Aerial Application.~~ No other primary or secondary categories are available for licensure of private applicators.

(b) No change.

(c) Public and commercial applicators must be licensed in all primary and secondary categories applicable to the types of pesticide applications to be made. Exceptions: 1) Category 1C does not apply to public or commercial applicators; 2) Individuals licensed in Category 9 need not be licensed in Category 1D or 1E; 3) Aerial applicators who make no ground applications and no pest management decisions, but only apply pesticides aerially at the request of another party who has made the necessary determinations regarding pest management and pesticide application, do not need to be licensed in any category except Category 11. Aerial applicators who make determinations regarding pest management and pesticide application must be licensed in the aerial category and all other categories applicable to the treatment site(s).

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98, 6-27-99, 2-21-02.

5E-9.026 Procedures for Pesticide Applicator Certification, Licensure, and License Renewal.

(1) Certification. All individuals seeking pesticide applicator licensure shall demonstrate competency in the responsible use of pesticides by successfully completing the appropriate pesticide applicator examination(s) specified in this chapter for each classification of licensure. All examinations shall be written in the English language and administered by the department or its authorized agents as written, closed-book examinations. Examinations will not be translated into other languages orally, in writing, or in any other form. However, the department shall accommodate individuals seeking licensure in other languages through examination translation or other comparable examination procedures. Licensure based on examination in a language other than English will limit the use of pesticides requiring licensure to those products which bear or provide complete labels and labeling in the language in which examined. Examinations shall be undertaken and completed by the examinee without assistance from other individuals. The department shall set passing scores and determine if the certification standards have been met for the desired licensure. Examination scores shall be valid for 12 months after the date of examination.

(2) Licensure. If the certification standards have been met, the department shall provide the appropriate license application, form DACS-13312, Rev. 05/04, ~~DACS-130312~~ for a private applicator license, form DACS-13313, Rev. 05/04, ~~DACS-130313~~ for a public applicator license, or form DACS-13310, Rev. 05/04, ~~DACS-130310~~ for a commercial applicator license, to the individual. The following materials must be received by the department before a pesticide applicator license shall be issued: documentation of certification earned within the previous 12 months; completed application; completed designation of registered agent, form INHSE-30, Eff. 6/92, if applicable; copy of pilot's license proof of insurance or surety bond (aerial category licensure only); proof of age, if requested; and appropriate fee. License applicants may designate one or more authorized purchasing agents by submitting a completed Authorized Purchasing Agent Designation, DACS-13352, Rev. 05/04, along with the license application. Materials shall be submitted to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Pesticide applicator licenses shall expire at the end of the month no more than four (4) years from issue date.

(3) License Renewal. It shall be the responsibility of each licensee to renew the license at the time of expiration. Requests for renewal of pesticide applicator licenses shall be made by submitting to the department the following materials: a signed request for license renewal; documentation of recertification; completed designation of registered agent, form INHSE-30, Eff. 6/92, if applicable; proof of insurance or surety bond (aerial category licensure only); proof of age, if requested; and payment of the appropriate license fee. Materials shall be submitted to the Pesticide Certification Office at the above address and must be received no later than the license expiration date for the license to be renewed with continual licensure. If a license is renewed after it expires, the applicator must submit a notarized affidavit stating that no restricted use pesticides have been used since the license expired. If a license is renewed more than 60 days after it expires, a \$50 late fee is also required. A license that has been expired for more than one year may not be renewed. Renewed pesticide applicator licenses shall expire no more than four (4) years from the previous expiration date.

(4) Forms. The following forms are hereby incorporated by reference. Forms DACS-13312, Rev. 05/04 ~~DACS-130312~~, DACS-13310, Rev. 05/04 ~~DACS-130310~~, and DACS-13313, Rev. 05/04 ~~DACS-130313~~, and DACS-13352, Rev. 05/04 may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29) ~~MD-1 (L33)~~, Tallahassee, Florida 32399-1650, telephone (850)488-3314 ~~488-6838~~. Form INHSE-30, Eff. 6/92, may be

obtained from the Florida Department of State, Division of Corporations, 409 E. Gaines Street, Tallahassee, Florida 32399, telephone (850)487-6051.

(a) Application for Private Applicator License (DACS-13312, Rev. 05/04 ~~DACS-130312, Rev. 2/98~~), Florida Department of Agriculture and Consumer Services.

(b) Application for Public Applicator License (DACS-13313, Rev. 05/04 ~~DACS-130313, Rev. 2/98~~), Florida Department of Agriculture and Consumer Services.

(c) Application for Commercial Applicator License (DACS-13310, Rev. 05/04 ~~DACS-130310, Rev. 2/98~~), Florida Department of Agriculture and Consumer Services.

(d) Authorized Purchasing Agent Designation (DACS-13352), Rev. 05/04, Florida Department of Agriculture and Consumer Services.

(e) ~~(d)~~ Designation of Registered Agent and Registered Office for a Nonresident Restricted-Use Pesticides Licensee (INHSE-30, Eff. 6/92), Florida Department of State.

Specific Authority 487.0435, 487.046, 570.07(23) FS. Law Implemented 487.044, 487.046, 487.049 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98, _____.

5E-9.027 Procedures for Pesticide Dealer Licensure and License Renewal.

(1) Licensure. Requests for pesticide dealer licensure shall be made by submitting a completed pesticide dealer license application, for DACS-13337, Rev. 05/04 ~~1/02~~, and the appropriate license fee to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Pesticide dealer licenses shall expire at the end of the month one (1) year from issue date.

(2) No change.

(3) Forms. The following form is hereby incorporated by reference: Application for Pesticide Dealer License (DACS-13337, Rev. 05/04 ~~1/02~~). This form may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Section, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

Specific Authority 487.048(1), 570.07(23) FS. Law Implemented 487.048(1) FS. History—New 6-9-94, Amended 7-2-95, 9-24-98, 2-21-02, _____.

5E-9.029 Procedures for Pesticide Applicator Recertification.

(1) through (2) No change.

(3) Effective January 1, 2005, all applicators recertifying by means of CEUs must earn 4 CEUs approved for the general standards of pesticide use and safety (core material) plus the following number of CEUs approved for each specific license category to be renewed:

| PRIMARY CATEGORIES | CEU'S REQUIRED |
|---|-------------------|
| Category 1A1 – Agricultural Row Crop Pest Control | 8 |
| Category 1A2 – Agricultural Tree Crop Pest Control | 8 |
| Category 1B – Agricultural Animal Pest Control | 4 |
| Category 1C – Private Applicator Agricultural Pest Control | 4 8 |
| Category 1D – Soil and Greenhouse Fumigation | 4 |
| Category 1E – Raw Agricultural Commodity Fumigation | 4 |
| Category 2 – Forest Pest Control | 8 |
| Category 3 – Ornamental and Turf Pest Control | 12 |
| Category 4 – Seed Treatment | 4 |
| Category 5A – Aquatic Pest Control | 16 |
| Category 5B – Organotin Antifouling Paint Pest Control | 4 |
| Category 6 – Right-of-Way Pest Control | 8 |
| Category 7A – Wood Treatment | 4 |
| Category 7B – Chlorine Gas Infusion | 4 |
| Category 7C – Sewer Root Control | 4 |
| Category 9 – Regulatory Pest Control | 12 |
| Category 11 – Aerial Application | 16 |
| Category 20 – Regulatory Inspection and Sampling | 4 |
| Category 21 – Natural Areas Weed Management | 16 |
| SECONDARY CATEGORIES | CEU'S REQUIRED |
| Category 10 – Demonstration and Research | 4 |
| The Ornamental and Turf Pest Control and Aquatic Pest Control categories may be renewed with 8 CEU's until January 1, 2000. | |
| (4) through (7) No change. | |
| (8) CEU program approval. The department shall approve professional meetings or seminars for granting of continuing education units (CEUs) in pesticide use and safety through execution of an agreement between the department and the <u>education provider sponsoring organization</u> and provided the seminar or meeting and sponsor comply with the criteria set forth below. The agreement shall clearly stipulate the <u>education provider's sponsoring organization's</u> responsibilities and the department's authority to withhold credits for any seminar or meeting determined not to be in compliance with the approved criteria or the points specified in the agreement. Criteria for allocation of CEUs and procedures for program approval and granting of CEUs to individual licenses are specified below. | |

(9) CEU program criteria. The following specifications shall be met before a meeting or seminar shall be considered for approval:

(a) The ~~education provider sponsoring organization~~ shall submit a written or electronic request for approval to grant CEUs on form DACS-13326, Rev. 05/04 1/02, or in an electronic format prescribed by the department. The completed form or electronic request must be received by the department no later than two (2) weeks prior to the date of the program, unless a different time frame is approved by the department on a case by case basis, based on circumstances beyond the control of the ~~education provider sponsoring organization~~.

(b) A program agenda indicating the start time, duration, instructor or speaker, and description of each program segment for which CEU approval is requested shall be submitted with form DACS-13326, Rev. 05/04 1/02. The description of each program segment must be sufficient for verification of content and applicability.

(c) No change.

(d) Documentation attesting that the instructors or speakers possess the expertise required to impart the specified information to the attendees shall be submitted with form DACS-13326, Rev. 05/04 1/02.

(e) The ~~education provider or an authorized designee sponsoring organization~~ shall distribute an official record of attendance, form DACS-13325, Rev. 05/04 1/02, provided by the department, to each licensee in attendance and shall monitor attendance to ensure these records are accurate. ~~The education provider or an authorized designee of the sponsoring organization~~ shall sign the record of attendance forms to verify each licensee's attendance.

(f) No change.

(10) No change.

(11) Procedure for determining CEUs.

(a) No change.

(b) A written or electronic copy of the program request ~~form~~ shall be returned to the ~~education provider sponsoring organization contact person~~ with notification of CEU credit approval.

(12) Procedure for granting CEUs to licensees.

(a) through (b) No change.

(c) The ~~education provider or an authorized designee contact person or program trainer~~ shall complete and sign the appropriate section of the record of attendance form to verify each licensee's attendance.

(d) through (f) No change.

(g) The licensee is responsible for ensuring that the CEUs required for license renewal are earned according to guidelines specified in this chapter. The licensee is also responsible for maintaining the completed record of attendance forms (form DACS-13325, Rev. 05/04 1/02) and submitting these records to the department at the time of request for license renewal.

(13) Forms. The following forms are hereby incorporated by reference. These forms may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Section, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Request for Granting Continuing Education Units (CEUs) for Renewal of Pesticide Applicator Licenses and Certificates (DACS-13326, Rev. 05/04 1/02).

(b) Record of Attendance for Continuing Education Units (CEUs) (DACS-13325, Rev. 05/04 1/02).

Specific Authority 487.049, 570.07(23) FS. Law Implemented 487.049 FS. History--New 6-9-94, Amended 7-2-95, 9-24-98, 6-28-99, 2-21-02, _____.

5E-9.032 Pesticide Applicator Records.

(1) Licensed pesticide applicators shall maintain records relating to the application of all restricted use pesticides. Such records shall consist of the following information for each application:

(a) through (b) No change.

(c) Date, start time, and end time of treatment;

(d) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township, and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The identification system established by the United States Department of Agriculture found at 7 CFR 110, which utilizes maps and numbering system to identify field locations; ~~or~~

4. The legal property description; or

5. Global Positioning System (GPS) coordinates or longitude/latitude points that delineate the treated area.

(e) through (j) No change.

(2) through (10) No change.

(11) To meet the requirements of Section 487.081(6)(b), F.S., individuals must keep the same record information required in paragraph (1). Such records must be maintained in a manner accessible by department representatives and shall be maintained indefinitely by the property owner or leaseholder.

Specific Authority 487.160, 570.07(23) FS. Law Implemented 487.160 FS. History--New 6-9-94, Amended 7-2-95, 9-24-98, _____.

5E-9.036 Pesticide Aircraft Registration, Liability Insurance/Surety Bond, Security, Inspection, Storage, Recordkeeping, Area-of-Application Information, Transactions, and Forms.

(1) Registration. Each aircraft used for aerial application of any pesticide must be annually registered with the department with proof of insurance or surety bond. Application for registration shall be on form DACS-13354, Rev. 05/04

New 1-02, provided by the department. The completed registration form and proof of insurance or surety bond shall be submitted to the Pesticide Certification Office, 3125 Conner Boulevard Blvd., Building Bldg. 8 (L29), Tallahassee, Florida 32399-1650. The registration form period shall be submitted to the Department on or before June 30 of each year and shall not exceed the time period covered by proof of insurance or surety bond.

(2) Proof of Insurance or Surety Bond. Proof of insurance or surety bond shall consist of:

(a) The deposit with the department of a surety bond in favor of any person or persons who may suffer damage or injury as the result of the aerial application of any pesticide made from the registered aircraft. Said surety bond shall be a minimum of \$100,000 and shall be executed by a corporate surety company authorized to conduct business in Florida. The department shall evaluate and determine the adequacy of all such bonds before acceptance. When the aircraft is removed from aerial application operation, a said bond shall be returned after a period of six months following date of notice of withdrawal, provided such withdrawal shall not release said surety from liability existing hereunder during the time of aerial application at the time of the effective date of such withdrawal; or

(b) The filing of a certificate of insurance, verifying insurance in an amount of not less than \$100,000 property damage and \$300,000 bodily injury coverage per occurrence, insuring the registered aircraft against liability for any damage, loss, or injury, including chemical drift or trespass, suffered by any person or persons, resulting from the aerial application of any pesticide made from the registered aircraft. A deductible clause of \$1,000 shall be acceptable. A current certificate of insurance must be filed with each initial and subsequent renewal registration. Current certificates of insurance or copies thereof shall be maintained in the aircraft registrant's possession from the date the aircraft is registered, or until two (2) years after the certificate expires or two (2) years after the registration is withdrawn.

(3) No change.

(4) Security. Each aircraft used for aerial application of any pesticide shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which prevents or deters ~~would prevent or deter~~ theft or unauthorized use.

(5) Storage. All pesticides on the premises owned or controlled by any aerial applicator shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: fences with a minimum 6 feet height; door locks; valve locks; electronic security systems; disabling of mobile storage units; blocking of access, ingress or egress; or any other reasonable method which prevents or deters theft or unauthorized use.

~~fences with a minimum 6 feet height, door locks, valve locks, electronic security systems, disabling of mobile storage units, blocking of access, ingress or egress; or any other reasonable method to prevent or deter theft or unauthorized use.~~ Buildings used to store pesticides must be of rigid construction so unauthorized entry can not be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of pesticides, the building must be secured in place so it can not be towed or otherwise removed by unauthorized persons.

(6) Transactions. Any person who buys, sells, rents, leases, or transfers ownership purchase, sale, rental, leasing, or transfer of ownership of an aircraft that is registered or required to be registered with the department pursuant to subsection (1) above shall report the transaction be transmitted to the department within 24 hours of the transaction using one of the following forms: ~~on~~ (1) Report of Aircraft Transaction, Form DACS-13355, Rev. 05/04; (2) Ownership Declaration and Sales and Use Tax Report on Aircraft, Form DR-42A, Rev. 03/02; or (3) Aircraft Bill of Sale, Form AC 8050-2 (09/92). ~~(1) Florida Department of Revenue form DR 42 Rev 06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050-2 (09/92) or (3) Report of Aircraft Transaction Form DACS-13355, New 1/02 within 24 hours of the transaction.~~

(7) Recordkeeping. Aerial applicators shall maintain records relating to the application of each pesticide during a declared emergency. Such records generated during the emergency shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by the department upon request. Records shall consist of the following information for each application:

(a) Name, FDACS pesticide applicator license number, and FAA license number of the licensee responsible for the pesticide application;

(b) Date, start time and end time of treatment;

(c) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The legal property description; or

4. Global Positioning Satellite (GPS) coordinates or Longitude/Latitude points which delineate the treated area; ~~area.~~

(d) Name of the person requesting or authorizing the application; ~~application.~~

(e) Aircraft manufacturer, make and model; ~~model.~~

(f) FAA aircraft registration number; and

(g) Originating airport/airstrip ~~airports/airstrip.~~

(8) Area-of-Application Information. The information listed in (7)(a) through (7)(g) is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture is made, declaring an emergency in the State of Florida. Such information shall be provided and filed with the department ~~Department~~ in a manner determined by the department.

(9) Forms. The following forms are hereby incorporated by reference. These forms may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Application for Aircraft Registration (DACS-13354), Rev. 05/04, Florida Department of Agriculture and Consumer Services New 01/02.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42A DR-42), Rev. 03/02 06/99, Florida Department of Revenue.

(c) Aircraft Bill of Sale, Sale AC Form AC 8050-2 (09/92), U.S. Department of Transportation, Federal Aviation Administration.

(d) Report of Aircraft Transaction (DACS-13355), Rev. 05/04, Florida Department of Agriculture and Consumer Services New 1/02.

(10) Upon written request by an authorized department representative, an aircraft registrant a licensed aerial applicator who has aerial insurance as the selected form of financial responsibility shall make available the certificates of insurance or copies thereof required to be maintained under this rule for period of time when aerial applications are made and shall permit the authorized representative to copy of photograph the documents. The original documents shall be maintained by the aircraft registrant applicator.

Specific Authority 487.046, 570.07(23) FS., Chapter 2001-360, Laws of Florida. Law Implemented 487.046 FS., Chapter 2001-360, Laws of Florida. History—New 6-9-94, Amended 7-2-95, 9-24-98, 6-9-02,_____.

DEPARTMENT OF REVENUE

RULE TITLE:

RULE NO.:

Department Personnel Disciplinary Procedures and Standards

12-3.011

PURPOSE AND EFFECT: The purpose of the proposed repeal of subsection (8) of this rule is to eliminate personnel procedures that are redundant of the Department of Management Services personnel procedures contained in Rule 60L-36.005, F.A.C. The effect of this proposed repeal is to ensure that the Department complies with the uniform rule provisions.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by the proposed repeal of subsection (8) of Rule 12-3.011, F.A.C., is the disciplinary action standards used by this agency.

SPECIFIC AUTHORITY: 213.06(1), 409.2557(3) FS.

LAW IMPLEMENTED: 20.21(2)(a), 110.201(2) FS.

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

TIME AND DATE: 10:00 a.m., May 17, 2004

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry Green, Rules and Policy Administrative Process, Department of Revenue, 501 S. Calhoun Street, Room 104, Carlton Building, Tallahassee, Florida 32399-0100, (850)922-4830, e-mail: greenl@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-3.011 Department Personnel Disciplinary Procedures and Standards.

(1) through (7) No change.

~~(8) Disciplinary Action Standards:~~

~~(a) Attendance, Leave, and Performance of Duty;~~

~~1. Absence Without Authorized Leave. Employees shall obtain approval from their immediate supervisor prior to any absence from work. In the case of an illness or emergency where an employee must be absent prior to receiving approval from his or her immediate supervisor, employees shall notify their immediate supervisor and explain the circumstances necessitating their absence at the earliest possible time after becoming aware of the illness or emergency. Employees shall state the circumstances or situation necessitating their absence from work in a truthful manner, and no employee shall fail or refuse to report to work on any day for which an employee requested authorized leave, but such request was denied. Failure to report to work or leave work within two (2) hours of the beginning or ending of the workday or which exceeds the lunch or break periods for more than two (2) hours, all without approval.~~

~~a. First Occurrence~~

Oral Reprimand to Dismissal

~~b. Second Occurrence~~

Suspension to Dismissal

~~c. Third Occurrence~~

Dismissal

~~2. Confidentiality. No employee shall disclose to anyone, or use, any information that is not available to the general public that was obtained as a result of employment with the Department. Employees shall not access or review any specific tax or Child Support Enforcement account or information for any non-official purpose. No employee may use or disclose information obtained as a result of employment with the Department if it would place the employee or recipient in an advantageous position over the general public and thus constitute a violation of the public trust. Examples of violations of this standard include disclosing the existence of an audit or investigation, or audit or investigative techniques and strategies, to anyone, including the subject taxpayer or client, outside of the official lines of communication. Such information may be included in an official form, officially recognized conference, or correspondence by the employee assigned to an investigation or audit or who subsequently reviewed it.~~

- ~~a. First Occurrence Suspension to Dismissal~~
- ~~b. Second Occurrence Dismissal~~

~~3. Excessive Absenteeism. Repeated absences on the day preceding or following the employee's regular days off, repeated absences on the same day of each week or month, or that otherwise establishes a pattern of absenteeism shall be considered excessive, regardless of whether such absences were authorized by an immediate supervisor based on the employee's reported illness or emergency. Employees shall not deplete their accrued hours of leave or take leave in excess of their leave balance without approval from their supervisor.~~

- ~~a. First Occurrence Oral to Written Reprimand~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~4. Insubordination. No employee shall refuse or fail to comply with a reasonable order, request for information, request for cooperation, or work assignment given by an immediate or higher-level supervisor.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~5. Leaving Work Station/Area Without Authorization. While at work, employees shall not leave their assigned work station/area or duty assignment without being properly relieved or without getting prior permission from an appropriate supervisor.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~6. Loafing. Employees shall remain productive while performing their assigned duties or tasks during work hours, and shall not be idle, waste time, engage in idle talk or gossip.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~7. Negligence. Employees shall be disciplined for committing any act that is considered negligent as described herein. Negligence is the failure to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence or discretion and may include the loss of State property and equipment. Any action that results in a violation or nonobservance of a work rule, policy, procedure, law or assigned duty may subject an employee to discipline for negligence pursuant to this rule.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~8. Personal Business. Employees shall not conduct personal business during work hours.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~9. Political Activities. With regard to participation in, or furtherance of any political campaign, no such activity shall take place while an employee is on duty and the Department adopts Rule 60K 13, F.A.C., and incorporates same by reference.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~10. Safety Practices. Employees shall adhere to or follow established safety rules or procedures while at work, including using proper safety equipment where appropriate.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~11. Sleeping or Inattentiveness on Duty. Employees shall remain awake or sufficiently alert to perform assigned duties during work hours.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~12. Solicitation/Distribution. The Department adopts Rules 60H-6 and 60L-24, F.A.C., and incorporates same by reference.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~13. Striking or Related Concerted Activity. No employee shall engage in any concerted action involving refusal or failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participate in a deliberate and concerted course of conduct which adversely affects the services of the public employer; the concerted failure of employees to report to work after the expiration of a collective bargaining agreement; or in picketing in furtherance of a work stoppage.~~

- ~~a. First Occurrence Suspension to Dismissal~~
- ~~b. Second Occurrence Dismissal~~

~~14. Suspension or Revocation of Driver's License. Employees who drive vehicles to perform their job duties and responsibilities shall report any suspension or revocation of their driver's license to an appropriate supervisor within three (3) workdays of the order of suspension or revocation.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~15. Tardiness/Leaving Early. Employees shall timely report to work, return to work after a lunch or break periods and leave work at their scheduled time unless authorization is obtained from their immediate supervisor. The failure to timely report to work, return to work, or to leave work early three or more times within 30 calendar days shall be disciplined as tardiness/leaving early.~~

- ~~a. First Occurrence Oral to Written Reprimand~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~(b) Child Support and Taxpayer Obligation.~~

~~1. Violation of State or Federal Tax Law. No employee shall fail or refuse to fully comply with any State or Federal tax filing or record keeping requirement, or fail or refuse to pay taxes assessed when due under any State or Federal tax laws and rules.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Dismissal~~

~~2. Failure of Employee to Maintain Child Support Obligation. No employee shall fail or refuse to fully comply with any court order involving child support.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Dismissal~~
- ~~(c) Workplace Conduct, Behavior, and Activities.~~

~~1. Abuse or Harassment of Other Employees. No employee shall utter any derogatory, disparaging, derisive, or other belittling or insulting verbal remark, or make any similar physical gesture, which is intended to, or can be construed to, insult, denigrate, malign, or besmirch another employee based on his or her gender, race, religious affiliation, national origin, age, marital status, or disability, and which is offensive and objectionable to the recipient, regardless of whether the recipient files a complaint.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~2. Alcohol or Drug Use.~~

~~a. Prohibited at Workplace. No employee shall possess, use, sell, transfer, or distribute alcohol, controlled substances or chemicals, illegal or unauthorized prescription or non-prescription drugs, or narcotics while on duty or during work hours. Neither shall any employee report to work while using, or under the influence of alcohol, controlled substance, or illegal or unauthorized prescription or non-prescription drugs or narcotics.~~

- ~~I. First Occurrence Suspension to Dismissal~~
- ~~II. Second Occurrence Dismissal~~

~~b. Policy on Abuse of Alcohol and Drugs. By resolution dated July 17, 1993, the Governor and Cabinet declared that alcoholism shall be recognized as a health problem and treated as such, with no attempt to hide the diagnosis or disease. An employee who drinks, consumes, or uses alcohol or drugs to the extent that his or her work performance is affected or impaired, has an alcohol or substance abuse problem. Therefore, employees who exhibit evidence of an alcohol or substance abuse problem, regardless of whether the employee has violated the above provision regarding possession, use, and sale of alcohol and controlled substances or chemicals while on duty and during work hours, shall be referred to the Employee Assistance Program for counseling and rehabilitation. Employees who fail or refuse to recognize that they have an alcohol or drug use problem, who fail or refuse to cooperate with prescribed treatment program(s), or are unruly or commit a breach of peace while under the influence of alcohol or drugs shall be disciplined as follows:~~

- ~~I. First Occurrence Written Reprimand to Dismissal~~
- ~~II. Second Occurrence Suspension to Dismissal~~
- ~~III. Third Occurrence Dismissal~~

~~3. Conduct Unbecoming a Public Employee. No employee shall engage in any conduct which adversely affects the morale or efficiency of the Department or the Department's ability to carry out its assigned mission, or which has a tendency to destroy public respect or confidence in the Department, in its employees, or in the operation of Departmental services. Nor shall any employee engage in any act or activity, on the job or connected with the job, which violates accepted standards of decency or morality or which violates generally accepted standards of conduct or conduct, whether on or off the job, that adversely affects the employee's effectiveness within the Department, or his or her ability to continue to perform his or her job. Conduct unbecoming a public employee includes any action or conduct that brings discredit to the Department.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~4. Discourteous or Rude Conduct Toward the Public. Employees shall be disciplined for committing any act which is discourteous or rude to the public.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~5. Disruptive Conduct.~~

~~a. Employees shall be disciplined for committing any behavior or act that interferes with the employee's performance of duty or the ability of others to perform their work. Disruptive conduct includes speaking loudly, rudely, or contemptuously to co-workers, supervisors or others; slamming office doors or drawers; throwing objects; banging on walls or doors; or otherwise causing a disturbance which is detrimental to the work environment. Abusive language to any employee or supervisor, or openly making or publishing false, vicious, or malicious statements concerning other employees or supervisors shall be considered disruptive conduct.~~

~~b. Any outward challenge of supervisory criticism such as abusive, hostile or disrespectful conduct, any showing of contempt for, threat, intimidation, harassment, coercion, or any act which indicates an intent to flout authority that is directed at or about an employee's supervisor is also disruptive conduct subject to discipline.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~6. Falsification of Records or Statements. No employee shall misrepresent, falsify or omit any facts in any record required to be submitted to the Department, or otherwise provide fraudulent or misleading information to the Department. Records include, but are not limited to Employment Applications; Employee Attendance and Leave Reports; Criminal Record Check Forms; Travel Vouchers;~~

~~Requests for Reimbursements; questions, answers, or results of any educational course or training program undertaken by the employee, whether required or voluntary; and other records of, made, or received by the Department of Revenue and the State of Florida.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Dismissal~~

~~7. Fighting. No employee shall assault or batter another person while on the job. Injury, or risk of injury, to any employee shall increase the severity of the disciplinary action.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Dismissal~~

~~8. Filing a False Complaint or Grievance. No employee shall file any complaint or grievance regarding another employee with the knowledge that the information contained in the complaint or grievance is untrue or unfounded.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~9. Gambling. No employee shall take, make, or receive any bet or wager upon the result of any trial, contest, casualty or contingent event, while on the job.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~10. Horseplay. Employees shall be disciplined for committing any act, which is horseplay as described herein. Horseplay is any non-work-related activity that is intended to be mischievous or prankish, but not malicious. Injury, or risk of injury, to any employee shall increase the severity of the disciplinary action.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~11. Identification as Department Employee. Employees may only identify themselves as an employee of the Department for official purposes, except for personal identification and verification purposes, and not for the purpose of providing a testimonial or advertisement, or on behalf of a commercial enterprise, charity, or other similar endeavor.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~12. Interfering in an Investigation. No employee shall interfere with any Department investigation by: failing or refusing to appear, cooperate, or answer any question or questions; failing or refusing to provide requested information or cooperate in an investigation, or to completely and~~

accurately answer questions in an internal investigation; or failing or refusing to give truthful information. This includes any attempt to interfere with an investigation by: lying, or providing any oral or written statements that are inaccurate, incorrect, incomplete or misleading; a material omission; coercion of witnesses or parties; withholding or destroying evidence or any other material facts or tangible items that would be relevant to the investigation. An investigation includes any criminal or administrative investigation by a law enforcement agency, or any administrative investigation by the Department pursuant to its duties and responsibilities.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- c. Third Occurrence Dismissal

13. ~~Offensive, Profane, Abusive, or Threatening Language.~~ No employee shall use any language that is offensive, profane, threatening, or abusive regardless of whether such language is directed toward a supervisor, another State employee, the public, or no one in particular. This standard prohibits swearing, profanity, obscenities, and other foul language that is inappropriate for the workplace.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- c. Third Occurrence Dismissal

14. ~~Sabotage.~~ No employee shall participate in any act of destruction or attempted destruction of State property, equipment, materials, records, or files which is directed towards undermining Departmental operations or the effectiveness of other employees. Neither shall any employee introduce fraudulent records into a computer system, equipment or facility, or otherwise alter or destroy any Department computerized information or files.

- a. First Occurrence Suspension to Dismissal
- b. Second Occurrence Dismissal

15. ~~Sexual Harassment.~~ No employee shall perform, express, or exhibit any unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made, whether explicitly or implicitly, a term or condition of employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- c. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This also includes retaliation, filing a false complaint, or failure of a supervisor to report sexual

harassment, and any other violation of Department Policy Statement 1141-3, Sexual Harassment, which is incorporated by reference. The Department also adopts and incorporates by reference Rule 60L-28, F.A.C., Uniform Rules on Sexual Harassment.

- I. First Occurrence Written Reprimand to Dismissal
- II. Second Occurrence Suspension to Dismissal
- III. Third Occurrence Dismissal

16. ~~Signatures.~~ No employee shall, without express delegated authority, place, direct the placing, or falsely represent to another person, what purports to be the signature of another person on any form, document, paper, letter, memorandum or other written instrument made or received by the Department in connection with the transaction of its official business.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- c. Third Occurrence Dismissal

17. ~~Use of State Property and Equipment.~~ No employee shall use any State property or equipment for any reason other than for official State business without proper authorization. Employees shall not abuse or misuse, damage or destroy any State property or equipment. This includes failure to adequately secure or care for State property, and any improper and/or careless use, abuse, or misuse of State property or equipment including State rental vehicles. State property includes any computers, networks and equipment owned or leased to the State.

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- c. Third Occurrence Dismissal

18. ~~Theft or Stealing.~~ No employee shall take or use any materials, records, files, currency, or property of the Department, the State, other employees, or the public, without proper authorization.

- a. First Occurrence Suspension to Dismissal
- b. Second Occurrence Dismissal

19. ~~Weapon.~~ No employee shall brandish, threaten to use, or improperly display a weapon or firearm. "Weapon" means any device or instrument which is designed, redesigned, used or intended to be used for offensive or defensive purposes, the destruction of life or the infliction of bodily injury, including firearms, knives, bombs, explosives, mace and pepper gas, and/or other dangerous chemicals or instruments.

- a. First Occurrence Suspension to Dismissal
- b. Second Occurrence Dismissal

(d) ~~Outside Employment and Activities, Gifts, and Conflicts of Interest.~~

~~I. Conflict of Interest. Employees have an obligation to scrupulously avoid the potential conflicts of interest which may exist in their employment and have a duty to disclose and report promptly the existence or possible existence of a conflict of interest to the agency head or designee. Employees shall:~~

~~a. Not accept or agree to accept any form of compensation or consideration other than salary from the Department except for authorized or sanctioned awards, for:~~

~~I. Any services rendered as part of their job with the Department of Revenue;~~

~~II. Any part in a proceeding, contract, claim, controversy, change, or other matter in which the Department or any governmental agency regulated by the Department is directly or indirectly interested.~~

~~b. Not participate in any business being transacted with the Department by any private concern in which the employee, spouse, or minor children have a financial or beneficial interest.~~

~~c. Not act as an agent, attorney, accountant, bookkeeper, factor, or representative in any tax or child support matter before any governmental, judicial or quasi-judicial body when doing so creates a conflict of interest or the appearance of a conflict of interest.~~

~~d. Not directly or indirectly solicit, accept, or agree to accept for the employee, another person, or entity anything of value to influence the employee in the performance of the job.~~

~~e. Not infer or allow to be inferred representation of the Department of Revenue in any situation, which is not related to official duties.~~

~~f. Not show through word or action any preferential attitude or treatment to any person, group, or other entity in the performance of official duties.~~

~~g. Not refer a taxpayer or child support custodial or noncustodial parent to an attorney, accountant, tax practitioner, or firm specifically by name or implication in connection with any official business involving the Department of Revenue.~~

~~h. Request from their supervisors the transfer from their case load of any case which involves a family member, close friend, or any person or entity with whom that person has some personal or financial involvement.~~

- ~~I. First Occurrence Suspension to Dismissal~~
- ~~II. Second Occurrence Dismissal~~

~~2. Gifts and Gratuities from Outside Sources.~~

~~a. General Limitation. Employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person or entity which:~~

~~I. Has or is seeking to obtain contractual or other business or financial relations with the Department of Revenue;~~

~~II. Conducts business or other activities which are regulated or monitored by the Department of Revenue, except as permitted by this section such that it creates a conflict of interest or the appearance of a conflict of interest; or~~

~~III. Has interests that may be, or give the reasonable impression of being, substantially affected by the performance or nonperformance of the employee's official duties.~~

~~b. Exceptions:~~

~~I. Gifts or gratuities from an obvious family member or personal relationship, when the circumstances make it clear that those relationships, rather than the business or the persons concerned, are the motivating factors behind any gift or gratuity;~~

~~II. Food, refreshments, lodging, and other travel expenses on nonrecurring occasions from various civic and professional organizations for participation in meetings, workshops and seminars for educational, informational and other similar purposes;~~

~~III. Loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans, automobile loans, personal loans, etc.;~~

~~IV. Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal value;~~

~~V. An award or gift of nominal value for a speech, participation in a conference, or some public contribution or achievement given by a charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization.~~

~~VI. Reimbursement, in cash or in kind, for travel, subsistence and other expenses incidental to attendance at meetings, provided such attendance and reimbursement is approved by the Executive Director or the Executive Director's designee, in accordance with the criteria provided in Section 112.061, F.S. An employee on official business may not be reimbursed, and payment may not be made on his or her behalf, for excessive (e.g., reimbursement which exceeds actual cost) personal living expenses, gifts, entertainment, travel or other benefits. At no time will an employee accept reimbursement from both the state and another source for the same expenses.~~

- ~~(A) First Occurrence Oral Reprimand to Dismissal~~
- ~~(B) Second Occurrence Suspension to Dismissal~~
- ~~(C) Third Occurrence Dismissal~~

~~3. Outside Employment, Contracts and Business Activity.~~

~~a. Generally. Because of the sensitive nature of the mission of the Department of Revenue and the importance of maintaining the public's trust in the agency's integrity, there are some restrictions related to outside employment of the~~

Department's personnel. The Department hereby adopts and incorporates by reference Rules 60K-2.016 and 60K-15, F.A.C. See also Ch. 112, Part III, F.S. The Department requires an employee to obtain approval before accepting any outside employment or similar responsibilities. Outside employment shall be denied whenever its nature creates a conflict of interest with the employee's duties in the Department of Revenue or creates the appearance of such a conflict.

b. ~~Activities Which Do Not Require Prior Notice:~~

~~I. Membership and uncompensated services (including holding of office) in civic, scout, religious, educational, fraternal, social, community, veterans, or charitable organizations. Bookkeeping services provided to such organizations require prior written approval;~~

~~II. Services as a notary public or equivalent position in another state;~~

~~III. Rental of employee-owned property, real or personal, to the extent such property is not rented to the State of Florida or any agency or subdivision thereof, or the lessee is not a subject of the employee's official duties;~~

~~IV. Minor services and odd jobs for friends, relatives, or neighbors, including a wide variety of activities; repair or maintenance work such as painting, yard work, carpentry, or services such as baby-sitting and car pools involving payment for transportation;~~

~~V. Temporary (thirty days or less) assistance in a family enterprise, in the event of an emergency, such as the death or serious illness/accident to a member of the family engaged in that business;~~

~~VI. However, no employee shall, without appropriate disclaimer stating the employee does not speak for the Department, take an active part or become an advocate on behalf of a professional society in any conflict of interest between such society and the Department of Revenue.~~

~~c. Outside Legal or Accounting Practice Prohibitions:~~

~~I. No outside legal or accounting practice is permitted which is in violation of Chapter 112, Part III, F.S. Specifically, employees are prohibited from receiving compensation from or acting as agent or attorney for anyone having a substantial interest in any particular matter in which the Department is a party or has a direct and substantial adverse interest.~~

~~II. Managerial employees are prohibited from engaging in outside legal or accounting practices for which they receive compensation.~~

~~III. Employees who hold Attorney and Senior Attorney positions shall not engage in the outside practice of law except Pro Bono activities through the Tallahassee Bar Association or North Florida Legal Services or similar pro bono programs. In no event shall an employee holding an Attorney or Senior Attorney position appear in court as an attorney on behalf of a private client for a fee. No state equipment or supplies can be utilized to fulfill Pro Bono activities. All approved pro bono activities must be performed off duty.~~

~~IV. The employee must give written notice of outside legal or accounting practice to the Executive Director or the Executive Director's designee.~~

~~d. Outside Legal or Accounting Practices Exceptions. An employee may:~~

~~I. Render uncompensated legal or accounting service to family members, provided the service is not a conflict of interest and does not include representation of family members before the Department of Revenue, a state administrative agency or in the courts of the State where the State is a party.~~

~~II. During off duty hours with or without compensation; exercise a power of attorney, act as trustee, guardian, conservator, executor, administrator and/or act as a resident agent for immediate family members (employee's brothers or sisters and step brothers or sisters, parents, step parents, spouse, children, and step children) unless prohibited by Chapter 112, Part III, F.S.~~

~~III. With written notice to the Executive Director or the Executive Director's designee, during off duty hours with or without compensation; exercise a power of attorney, act as trustee, guardian, conservator, executor, administrator and/or act as a resident agent for other relatives as defined in Section 112.3135, F.S.~~

~~IV. Not act as bookkeeper or accountant without compensation, for a civic, scout, religious, educational, fraternal, social, community, veterans, and/or charitable organization, whenever doing so creates a conflict of interest with the employee's duties in the Department of Revenue or creates the appearance of such a conflict.~~

- ~~(A) First Occurrence Suspension to Dismissal~~
- ~~(B) Second Occurrence Dismissal~~

~~4. Personal Relationships with Taxpayers or Clients. Employees shall promptly disclose or report to their supervisor the existence or potential for any conflict of interest posed by any relationship or friendship between the employee and a taxpayer/client, or employee thereof. Employees shall request a reassignment of any case that involves a family member, close friend, or any person or entity with whom they have some personal or financial involvement.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

~~5. Speeches and Publications. Employees acting in their official capacities must be authorized to perform speeches, or prepare, or provide material for publication before communicating about the official operations or policies of the Department. Any employee who is authorized to perform a speech or prepare or provide materials for publication which supports official operations or policies of the Department, shall not accept any fee, salary, honorarium, or other compensation for such services in violation of Section 110.209, F.S., and Rule 60K-2.018, F.A.C., which rule is hereby adopted and~~

incorporated by reference. This standard does not prohibit reimbursement for transaction, travel, accommodation, or meal expenses:

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

6. Tax, Child Support Enforcement Practices. Except for work done for "relatives" as defined in Section 112.3135(1)(c), F.S., no employee shall perform, provide, or agree, whenever its nature would be considered a conflict of interest with the employee's duties in the Department of Revenue or would give the appearance of a conflict with the employee's duties to:

a. Appear on behalf of any taxpayer or Child Support Enforcement client as an attorney, agent, or representative before any state, federal, or local government agency, in any action involving a tax matter or Child Support Enforcement matter;

b. Prepare any State or Federal tax returns, reports, declarations or documents, or otherwise engage in accounting, use, analysis or interpretation of any financial records for consideration, or sign as a paid preparer on any such tax document for compensation, gift, or favor;

c. Prepare any Child Support Enforcement client reports, declarations or documents for consideration, or advise any Child Support enforcement clients in any matter in which the Child Support Enforcement client seeks support or relief from the Department, contrary to Department rule, policy or procedure; or

d. Advertise, or hold oneself out as an attorney, or act as attorney in the private sector while employed with the Department.

- I. First Occurrence Written Reprimand to Dismissal
- H. Second Occurrence Suspension to Dismissal
- III. Third Occurrence Dismissal

7. Outside Employment as an Appraiser. Outside employment as an appraiser or consultant performing appraisal duties for a city, county or town or other political subdivision of the State is prohibited:

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

(e) Criminal Charges or Conviction.

1. Prompt Reporting of Arrest and/or Charge for First Degree Misdemeanor or Felony. An employee arrested or charged with violation of any criminal law which is punishable by imprisonment for more than 60 days, and/or fines of more

than \$500, shall provide a written report describing the charges to the Inspector General, within 3 work days of the date of arrest or charges filed:

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal

2. Prompt Reporting of Final Order/Disposition for First Degree Misdemeanor or Felony. An employee arrested or charged with violation of any criminal law which is punishable by imprisonment for more than 60 days, and/or fines of more than \$500, shall provide the Inspector General with a copy of the final order/disposition entered in such cause within 3 work days of such order/disposition being entered:

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal

3. Failure to Perform Work Duties as a Result of any Arrest, Charge, or Conviction of Criminal Offenses. An employee who is arrested, charged, or convicted for any violation of any law or ordinance, except minor traffic violations, for which fines or bond forfeiture does not exceed \$300, which arrest, charge, or conviction adversely affects the employee's credibility, results in the employee's failure, inability, or refusal to perform assigned work duties, or otherwise adversely affects the Department's ability to carry out its assigned mission, in any manner, shall be disciplined pursuant to this rule:

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal

(f) Other Violations of Law, Rules, Policies or Procedures. Employees shall abide by all State of Florida Statutes and rules, and Department of Revenue rules, policies, procedures, and directives. Disciplinary action under this standard may be administered for, including but not limited to: divulging confidential information; outside business activity; dual employment or moonlighting without permission; misuse of position; conflicts of interest; giving or accepting a bribe; discrimination in employment or illegal campaigning:

- 1. First Occurrence Oral Reprimand to Dismissal
- 2. Second Occurrence Suspension to Dismissal
- 3. Third Occurrence Dismissal

Specific Authority 213.06(1), 409.2557(3) FS. Law Implemented 20.21(2)(a), 110.201(2), 110.227 FS. History--New 7-27-99, Amended _____

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

RULE TITLES: RULE NOS.:
Claims Procedures 61M-1.002
Approved Forms 61M-1.003

PURPOSE AND EFFECT: Modify claims procedures and forms for relocation and abandonment claims to reflect changes to statute.

SUBJECT AREA TO BE ADDRESSED: Claims Procedures and Approved Forms.

SPECIFIC AUTHORITY: 723.0611(3) FS.

LAW IMPLEMENTED: 723.0611, 723.0612 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, May 12, 2004, at the meeting of the Board

PLACE: Shady Lane Oaks, 15777 Bolesta Road, Clearwater, Florida 33760

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cari L. Roth, General Counsel, Bryant Miller & Olive, 201 South Monroe Street, Suite 500, Tallahassee, Florida 32301, (850)222-8611

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

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 Osteopathic Medicine

RULE TITLE: RULE NO.:
Standards for the Use of Controlled Substances for the Treatment of Pain 64B15-14.005

PURPOSE AND EFFECT: The Board intends to review its current rule and conduct a rule development workshop to determine appropriate changes to the rule.

SUBJECT AREA TO BE ADDRESSED: Appropriate standards for the use of controlled substances for the treatment of pain.

SPECIFIC AUTHORITY: 459.005(1) FS.

LAW IMPLEMENTED: 459.003(3), 459.015(1)(g), (x) FS.

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

TIME AND DATE: 12:00 noon, May 14, 2004

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE 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 32399-3253

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

FLORIDA HOUSING FINANCE CORPORATION

| RULE TITLES | RULE NOS.: |
|--|------------|
| Purpose and Intent | 67-50.001 |
| Definitions | 67-50.005 |
| Fees | 67-50.010 |
| Notice of Funding Availability (NOFA) | 67-50.020 |
| General Program Eligible Activities | 67-50.030 |
| General Program Restrictions | 67-50.040 |
| HAP Program Restrictions | 67-50.050 |
| HOME Program Restrictions | 67-50.060 |
| Application and Selection Procedures | 67-50.070 |
| Credit Underwriting Procedures | 67-50.080 |
| Disbursement of Funds, Draw Requests, and Loan Servicing | 67-50.090 |
| Compliance and Monitoring | 67-50.100 |

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program and provide purchase assistance to Eligible Homebuyers under the HAP Permanent Loan Program, authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership Loan Program, authorized by Section 420.5089, F.S and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this Rule chapter by reference.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-50, Florida Administrative Code.

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

TIME AND DATE: Wednesday, 1:00 p.m. – 4:00 p.m., May 19, 2004

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 227 North Bronough Street, Tallahassee, FL 32301, Tel: (850)488-4197

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bridget Warring, Homeownership Loan Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197.

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Shirley Alfsen at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING MS. ALFSEN.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Local Laws

RULE TITLE: RULE NO.:

Prohibition on Take of Puffer Fish in Volusia, Brevard, Indian River, St. Lucie, and Martin Counties 68B-3.007

PURPOSE AND EFFECT: The purpose of this rule development effort is to make permanent an executive order of the Fish and Wildlife Conservation Commission prohibiting the take of puffer fish in state waters of the east coast from Volusia County southward through Martin County. This action is based on known and verified occurrences of severe illnesses caused by the consumption of puffers. The effect of this effort will be to protect the health Floridians and visitors.

SUBJECT AREA TO BE ADDRESSED: Take of puffer fish in Volusia, Brevard, Indian River, St. Lucie, and Martin Counties.

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

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

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

Pursuant to the provisions of the 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-3.007 Prohibition on Take of Puffer Fish in Volusia, Brevard, Indian River, St. Lucie, and Martin Counties.

In the waters of Volusia, Brevard, Indian River, St. Lucie, and Martin Counties, the take of fish commonly known as puffers, Genus *Sphoeroides*, is prohibited.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLES: RULE NOS.:
Gear Definitions 68B-4.002

Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels 68B-4.019

PURPOSE AND EFFECT: The purpose of this rule development effort is to assure that only commercial vessels engaged in the legal harvest of marine life by the use of traps will have a trap puller aboard. The effect of this effort should be to reduce opportunities for trap robbing, which is a felony.

SUBJECT AREA TO BE ADDRESSED: Trap Pullers.

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

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

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.

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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.

As used in Title 68B, F.A.C., unless otherwise defined:

(1) through (14) No change.

(15) "Trap puller" means any mechanical device used to retrieve or capable of retrieving a trap used to harvest marine life. An anchor winch at or near the bow of a vessel is not considered a trap puller.

(15) through (17) renumbered (16) 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-4.019 Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels.

No person shall operate any vessel with a trap puller aboard unless such vessel is operated commercially pursuant to a vessel saltwater products license with either a lobster trap endorsement, stone crab trap endorsement, blue crab trap endorsement, sea bass trap endorsement, or a federal fish trap endorsement. This prohibition shall not apply to a person operating a vessel with a trap puller aboard who has been granted an accommodation by the Commission under the Americans With Disabilities Act to possess and use such gear.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History--New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLES:

Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer

RULE NOS.:

68B-13.008

Stone Crab Trap Limitation Program 68B-13.010

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement recommendations of the Stone Crab Advisory Board to make a technical change in the specifications for orientation of degradable panels, allow the voluntary surrender of trap certificates, and expand the time window for transfer of certificates each year. The effect will be to give stone crab trappers more options for degradable panels and encourage the retirement and transfer of certificates, the key component of passive trap reduction.

SUBJECT AREA TO BE ADDRESSED: Stone Crab Commercial Harvest and Trap Limitation Program.

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

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

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

Pursuant to the provisions of the 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-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.

(1) No change.

(2) TRAP CONSTRUCTION. No person, firm, or corporation shall transport on the water, fish with, or cause to be fished with, set, or placed, in the harvest of stone crabs, any trap which does not meet the following requirements:

(a) through (b) No change.

(c)1. The throat or entrance to all wood and plastic traps shall be located on the top horizontal section of the trap. If the throat is longer in one dimension, the throat size in the longer dimension shall not exceed 5 1/2 inches and in the shorter dimension shall not exceed 3 1/2 inches. If the throat is round, the throat size shall not exceed 5 inches in diameter.

2. Each throat (entrance) in any wire trap used to harvest stone crabs shall be horizontally oriented. The width of the opening where the throat meets the vertical wall of the trap and the opening of the throat at its farthest point from the vertical wall, inside the trap, shall be greater than the height of any such opening. No such throat shall extend farther than 6 inches into the inside of any trap, measured from where the throat opening meets the vertical wall of the trap to the throat opening at its farthest point from the vertical wall, inside the trap.

3. Each wire trap used to harvest stone crabs shall have at least three unobstructed escape rings installed on a vertical outer surface, each with a minimum diameter of 2 3/8 inches. One such escape ring shall be located on a vertical outer surface adjacent to each crab retaining chamber.

4. Each plastic or wire trap used to harvest stone crabs shall have a degradable panel.

a. A plastic trap shall be considered to have a degradable panel if it contains at least one sidewall with a rectangular opening no smaller in either dimension than that of the throat. This opening must be obstructed with a cypress or untreated pine slat or slats no thicker than 3/4 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

b. A wire trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(I) The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

(II) The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

(III) The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

(IV) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

(V) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VI) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VII) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be

obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

(3) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01, _____.

68B-13.010 Stone Crab Trap Limitation Program.

(1) No change.

(2) CERTIFICATES AND TRAP TAGS. Each holder of a stone crab trap endorsement must have a certificate on record for each stone crab trap used or possessed in or on the water. In addition, attached to each trap shall be a tag, issued annually by the Commission, which corresponds to a valid certificate.

(a) Certificates.

1. through 13. No change.

14. After the 2002/2003 fishing year, the fees for unpaid certificates will accumulate each year a certificate holder fails to pay his or her annual certificate fee. Partial payment of accumulated certificate fees will not be accepted. However, any number of certificates may be permanently surrendered by the certificate holder at any time by completing Commission Form DMF-SL0500 (7-04), incorporated herein by reference. In the event a holder's annual certificate fee is not paid for a period of 3 years, the certificates shall be considered abandoned and permanently removed from the pool of available certificates. All prior certificate fees must be paid in order to keep certificates current and avoid a declaration of abandonment.

(b) through (e) No change.

(3) CERTIFICATE TRANSFERABILITY AND PASSIVE REDUCTION. After initial issuance, trap certificates are transferable on a market basis and may be transferred for a fair market value agreed upon between the transferor and transferee.

(a) Transfer window. Trap certificates shall only be transferred from the trap certificate account of one person to the account of another during the period June 15 August 1 through March 1 each year. However, requests to transfer trap certificates received after February 15 may not be completed during the current season if all required information and fees are not also received at that time.

(b) through (k) No change.

(4) through (7) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01, 6-2-02, 7-1-03, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLE:

RULE NO.:

Commercial Harvest Requirements;
Licenses, Season Closures,
Bag and Trip Limits

68B-14.0045

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement a closure period in the Gulf of Mexico beyond three miles from shore for black sea bass traps, to coincide with an identical closure for the state's other trap fisheries. The effect of this effort should be to discourage the stockpiling of stone crabs in such traps prior to the stone crab season and allow removal of lost or derelict traps.

SUBJECT AREA TO BE ADDRESSED: Black sea bass traps.

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

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

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

Pursuant to the provisions of the 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-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

- (1) No change.
- (2) Season Closures.
- (a) through (g) No change.

(h) During the period beginning September 20 and continuing through October 4 of each year, no black sea bass trap as defined in Section 370.1105(1)(c), Florida Statutes, and in paragraph 68B-14.005(1)(b), F.A.C., shall be placed in state waters of the Gulf of Mexico seaward of three nautical miles from shore, north of Latitude 27° North.

- (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLE:

RULE NO.:

Commercial Requirements; Appeals

68B-24.0055

PURPOSE AND EFFECT: The purpose of this rule development effort is to expand the time window for transfer of lobster trap certificates each year, as recommended by the Stone Crab Appeals Board and in conjunction with an identical change for stone crabs. The effect of this effort will be to allow lobster trap harvesters 6-7 more weeks to accomplish transfers. SUBJECT AREA TO BE ADDRESSED: Spiny lobster trap certificate transfers.

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

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

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

Pursuant to the provisions of the 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-24.0055 Commercial Requirements; Appeals.

- (1) No change.
- (2) Beginning in the 2004-2005 fishing season, in addition to a valid saltwater products license with a restricted species endorsement and a valid crawfish endorsement, a commercial dive permit is required to harvest spiny lobster in commercial quantities by diving. This permit will be in the form of the letter D being added to the end of the existing crawfish number. Application for issuance of a commercial dive permit shall be made on a form provided by the Commission (Form DMF-SL0610(4-04), Commercial Dive Permit Application), incorporated herein by reference.

(a) The applicant must have documented commercial dive lobster landings pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during the license year July 1, 2000 through June 30, 2001, July 1, 2001 through June 30, 2002, or during the license year July 1, 2002 through June 30, 2003.

(b) Commercial dive permits will not be issued to or renewed for applicants who own one or more lobster trap certificates. Trap certificates may only be transferred during the period ~~June 15 August 1~~ to March 1 each year. An applicant who is otherwise eligible to receive a commercial dive permit in 2004-2005 but holds lobster trap certificates after March 1, 2004, may receive a commercial dive permit if the commission is directed in writing to deactivate his/her lobster trap certificate account. Failure on the part of such an applicant to obtain the commercial dive permit for the 2004-2005 season is a waiver of eligibility for the dive permit until such a time that the commission authorizes issuance of new commercial dive permits.

(c) through (f) No change.

(3) through (5) No change.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-01, Amended 7-7-03, 4-1-04, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Blue Crab

| | |
|--------------------|------------|
| RULE TITLES: | RULE NOS.: |
| Definitions | 68B-45.002 |
| Other Prohibitions | 68B-45.006 |

PURPOSE AND EFFECT: The purpose of this rule development effort is to expand the area in the Gulf of Mexico closed to blue crab harvest by trap during the period from September 20 through October 4 each year to include all state waters of the Gulf of Mexico seaward of three nautical miles from shore. The effect of this change should be to discourage the stockpiling of stone crabs in such traps prior to the stone crab season and allow removal of lost or derelict traps.

SUBJECT AREA TO BE ADDRESSED: Blue crab traps in the Gulf of Mexico.

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

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

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

Pursuant to the provisions of the 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-45.002 Definitions.

As used in this rule chapter:

(1) through (5) No change.

(6) “Gulf Seasonal Closure Region” means all state waters of the Gulf of Mexico seaward of three nautical miles from shore and north and west of latitude 29 degrees, 17 minutes, and 02 seconds North (from the south bank of the mouth of the Suwannee River to near channel marker 21 westward to the outer limits of state waters).

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

~~(9) “Northwest Seasonal Closure Region” means all state waters of the Gulf of Mexico seaward of three nautical miles and north and west of latitude 29 degrees, 17 minutes, and 02 seconds North (from the south bank of the mouth of the Suwannee River to near channel marker 21 westward to the outer limits of state waters).~~

(10) through (13) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002, Amended 7-1-03, _____.

68B-45.006 Other Prohibitions.

(1) through (2) No change.

(3) In the Gulf Northwest Seasonal Closure Region, no blue crab trap, including any trap used to harvest peeler crabs, may be placed in the water, fished, or soaked during the period beginning September 20 and continuing through October 4 each year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Formerly 46-45.006, Amended 7-1-03, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: Spiny Lobster Trap Certificate Program

| | |
|--------------------------|------------|
| RULE TITLES: | RULE NOS.: |
| Definitions | 68E-18.002 |
| Transfer of Certificates | 68E-18.005 |

PURPOSE AND EFFECT: The purpose of this rule development effort is to expand the time window for transfer of lobster trap certificates each year, as recommended by the

Stone Crab Appeals Board and in conjunction with changes to Rule Chapter 68B-24, F.A.C., and an identical change for stone crabs. The effect of this effort will be to allow lobster trap harvesters 6-7 more weeks to accomplish transfers.

SUBJECT AREA TO BE ADDRESSED: Transfer time window for the spiny lobster trap certificate program.

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

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.

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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:

68E-18.002 Definitions.

(1) through (18) No change.

(19) "Transfer period" means that period of time when individuals holding trap certificates can transfer their certificates to another individual's certificate allocation. The transfer time shall begin June 15 be coincident with the first placement of traps for the regular lobster season (currently August 1) and ~~end ending~~ midnight March 1.

(20) through (21) No change.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 5-16-95, Formerly 62R-18.002, Amended 7-1-01, 4-11-04,_____.

68E-18.005 Transfer of Certificates.

(1) Trap certificates shall only be transferred by the Commission during the June 15-March 1 ~~August 1-March 1~~ transfer period designated in Rule 68E-18.002, F.A.C.

(2) through (10) No change.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 5-16-95, Amended 4-7-99, Formerly 62R-18.005, Amended 7-1-01,_____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: RULE NO.:

General Requirements for the Manufacturing, Processing, Packing Holding and Retailing of Foods 5K-4.004

PURPOSE AND EFFECT: The purpose of Rule 5K-4.004, F.A.C., is to promote food safety, and to notify consumers, food retailers, wholesalers or transporters, regarding health and safety concerns of consuming or selling dietary supplements containing ephedrine alkaloids.

SUMMARY: This is a rule stating clearly that dietary supplements containing ephedrine alkaloids present an unreasonable risk of illness or injury under conditions of use as suggested on the labeling, and are therefore determined to be adulterated under Chapter 500 of the Florida Statutes. This is a rule that very closely mimics a Federal rule recently promulgated by the FDA; the primary difference being that it references appropriate sections in Florida law rather than Federal law for the guidelines for adulteration. Risk from Ephedra consumption has been considered extensively by the FDA, with published reports of over 150 deaths associated with its use, and the Department believes it is a substance that should not be allowed in dietary supplements or any other foods.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide a proposal for a lower cost alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 500.09, 500.12, 570.07(23) FS.

LAW IMPLEMENTED: 500.09, 500.12(2)(b) FS.

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

TIME AND DATE: 10:00 a.m., May 27, 2004

PLACE: George Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida, (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. J. D. Warren, Department of Agriculture and Consumer Services, Room 185, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.004 General Requirements for the Manufacturing, Processing, Packing, Holding and Retailing of Foods.

The provisions of subsections (1) through ~~(7)~~(6) shall apply in determining whether the facilities, methods, practices and controls used in the manufacture, processing, packing, holding, retailing or offering for sale of foods are in conformance with or are operated or administered in conformity with this rule to assure that food for human consumption is safe.

(1) through (6) No change.

(7) DIETARY SUPPLEMENTS CONTAINING EPHEDRINE ALKALOIDS. Dietary supplements containing ephedrine alkaloids present an unreasonable risk of illness or injury to health under conditions of use recommended or suggested in the labeling, or if no conditions of use are recommended or suggested in the labeling, under ordinary conditions of use. Therefore ephedrine alkaloids are deleterious substances, and dietary supplements containing ephedrine alkaloids are adulterated under Section 500.10, F.S.

~~(8)~~(7) EXCLUSIONS. The following operations are excluded from coverage under these general regulations; however, the department will issue special regulations when believed necessary to cover these excluded operations: Establishments engaged solely in the harvesting, storage, or distribution of one or more raw agricultural commodities which are ordinarily cleaned, prepared, treated or otherwise processed before being marketed to the consuming public.

~~(9)~~(8) REVIEW OF PLANS BY THE DEPARTMENT.

(a) An Applicant or holder of a food permit may request assistance from the department in the review of construction or remodeling plans to evaluate conformance with requirements as established in this chapter.

(b) The fee for plan review assistance will be determined by multiplying the number of reviewer hours expended in reviewing plans and in consulting with the applicant, at the rate of \$30.10 per hour. An additional flat fee of \$25.00 per plan review will be charged for associated expense costs such as FAX, telephone, mailing, shipping or document duplication expenditures incurred by the department. Time expended shall be recorded in quarter hour increments with a minimum charge of one hour per plan review.

Payment for plan review assistance is due 15 days from the date of invoice from the department.

Specific Authority 500.09, 500.12, 570.07(23) FS. Law Implemented 500.02, 500.03, 500.023, 500.121, 500.172, 500.04, 500.10, 500.13, 500.09, 500.12(2)(b) FS. History--Revised 3-1-72, Repromulgated 12-31-74, Amended 1-18-83, Formerly 5E-6.04, 5E-6.004, Amended 9-30-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Marion F. Aller, Director, Division of Food Safety
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. J. D. Warren, Assistant Director, Division of Food Safety

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Forms and Instructions

RULE NO.: 40E-1.659

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

SUMMARY: The forms which the South Florida Water Management District (SFWMD) uses in dealing with the public concerning environmental resource, water use, and well construction permitting are incorporated by reference in Florida Administrative Code Rule 40E-1.659(1), as required by Section 120.55(1)(a)4., Florida Statutes. The South Florida Water Management District proposes to adopt Mitigation Bank Financial Assurance forms; to delete Form 0938 (Mitigation Construction Commencement Notice); to amend the title of Form No. 0050A (Application to the South Florida Water Management District for a Permit for Utilization of District Works and Modification of Existing Permit Works of the District No.); and to amend Form Numbers: 0123 (Well Construction Permit Application), 0483 (Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer), 0889 (Certification of Waiver of Permit Application Processing Fee), 0920 (Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity), 0960 (Environmental Resource/Surface Water Management Permit Construction Commencement Notice), and 0961 (Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No formal statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 120.53, 373.044, 373.113 FS.
 LAW IMPLEMENTED: 120.53, 373.113 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A PUBLIC HEARING WILL BE NOTICED IN THE FAW. (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

The procedure for requesting a hearing is governed by Florida Administrative Code subsection 28-103.004(2), F.A.C., as follows: a request for a public hearing must be in writing and filed with the District Clerk during normal business hours, at the address below, within 21 days of publication of this notice. The request must specify how the requestor would be affected by the proposed rule. Any affected person who fails to timely file a request for hearing waives the right to request a hearing on the proposed rule.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PROPOSED FORMS ARE AVAILABLE ON THE DISTRICT'S WEBSITE AT: http://www.sfwmd.gov/org/reg/news/erp_rulemaking/erp_rulemaking.htm

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

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

| Form No. | Date | Title |
|----------|------|---|
| 0050A | 7-89 | Application to the South Florida Water Management District for a Permit for Utilization of District Works or and Modification of Existing Permit Works of the District No. |
| 0108 | 3-91 | Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida |

| | | |
|------------|----------------------------------|---|
| 0113 | 8-95 | Surface Water Management Permit No. |
| 0115 | 8-95 | Surface Water Management Permit Modification No. |
| 0119 | 8-95 | Wetland Resource Permit No. |
| 0122 | 4-93 | Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District |
| 0123 | 4-95 12-01 | Well Construction Permit Application |
| 0124 | 11-90 | Well Completion Report |
| 0145 | 8-95 | Environmental Resource Permit No. |
| 0157 | 8-95 | Environmental Resource Permit Modification No. |
| 0188-QMQ | 8-03 | Quarterly Report of Withdrawals |
| 0188-MDQ | 8-03 | Monthly Report of Daily Withdrawals |
| 0188-QASR | 8-03 | Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells |
| 0188-QMON | 8-03 | Quarterly Report of Monitoring Requirements |
| 0188-QMQF | 8-03 | Quarterly Report of Withdrawals from Wells and Surface Water Pumps |
| 0188-QCROP | 8-03 | Report of Planting and Harvest of Seasonal Crops |
| 0188-QBWDR | 8-03 | Quarterly Report of Bulk Water Delivered and Received |
| 0195 | 6-91 | Public Water Supply Well Information and Classification |
| 0196 | 10-89 | Water Well Inspection Scheduling Card |
| 0299 | 1-90 | Water Use Permit No. |
| 0444 | 8-95 | Application for a Standard General Permit for Incidental Site Activities |
| 0445 | 8-03 | Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G) |
| 0483 | 8-95 | Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer |
| 0645-W01 | 8-03 | Water Use Permit Application (RC-1A, RC-1W, RC-1G) |
| 0645-G60 | 8-03 | Table A Descriptions of Wells |
| 0645-G61-1 | 8-03 | Table B Description of Surface Water Pumps |
| 0645-G61-2 | 8-03 | Table C Description of Culverts |
| 0645-G65 | 8-03 | Table D Crop Information |

| | | | | | |
|----------|-----------------|---|-------------|-------|---|
| 0645-G74 | 8-03 | Table E Water Received From or Distributed to Other Entities | 0971 | 8-95 | Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit |
| 0645-G69 | 8-03 | Table F Past Water Use & Table G Projected Water Use | | | |
| 0645-G70 | 8-03 | Table H Projected Water Use (For Per Capita Greater than 200 GPD) | 0972 | 8-95 | Petition for a Formal Wetland and Surface Water Determination |
| 0645-G71 | 8-03 | Table I Water Treatment Method and Losses | 0973 | 8-95 | Above Ground Impoundment Inspection/Certification Report |
| 0645-G72 | 8-03 | Table J Aquifer Storage and Recovery | 0974 | 8-95 | Notice of Intent to Construct a Minor Silvicultural System |
| 0645-G73 | 8-03 | Table K Water Supply System Interconnections | 0980 | 8-95 | Notice of Intent to Use a Noticed General Environmental Resource Permit |
| 0779 | 5-92 | Guidance for Preparing an Application for a “Works of the District” Permit in the Everglades /Application for a Works of the District Permit | <u>1019</u> | _____ | <u>Mitigation Bank Performance Bond to Demonstrate Construction /Implementation Financial Assurance</u> |
| 0830 | 4-94 | Special Use Application and License | <u>1020</u> | _____ | <u>Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance</u> |
| 0881A | 9-03 | Environmental Resource/Surface Water Management Permit Construction Completion Certification | <u>1021</u> | _____ | <u>Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance</u> |
| 0881B | 9-03 | Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995 | <u>1022</u> | | <u>Mitigation Bank Trust Fund Agreement To Demonstrate Construction/Implementation Financial Assurance</u> |
| 0889 | 8-95 | Certification of Waiver of Permit Application Processing Fee | | | <u>Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance</u> |
| 0920 | 8-95 | Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity | <u>1023</u> | | <u>Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance</u> |
| 0938 | 8-95 | Mitigation Construction Commencement Notice | | | |
| 0941 | 8-95 | Environmental Resource Standard /Noticed General Permit No. | 1105 | 6-02 | Performance Bond to Demonstrate Financial Assurance |
| 0942 | 8-95 | Surface Water Management General Permit No. | 1106 | 6-02 | Irrevocable Letter of Credit to Demonstrate Financial Assurance |
| 0960 | 8-95 | Environmental Resource/Surface Water Management Permit Construction Commencement Notice | 1109 | 8-03 | Water Use General Permit |
| 0961 | 8-95 | Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction | | | |
| 0970 | 8-95 | Applicant Transmittal Form for Requested Additional Information | | | |

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

- (a) Florida Keys Service Center, 80431 Old Hwy., Islamorada, FL 33036;
- (b) Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901;
- (c) Okeechobee Service Center, 205 North Parrott Ave., Suite 201, P. O. Box 2033, Okeechobee, FL 34973-2033;

(d) Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809;

(e) Miami/Dade Regional Service Center, 172A W. Flagler Street, Miami, FL 33130;

(f) Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109; and

(g) West Palm Beach Service Center, 3301 Gun Club Road, West Palm Beach, FL 33406.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department, Water Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2004

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

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

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No formal statement of estimated regulatory cost has been prepared.

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

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

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

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

The procedure for requesting a hearing is governed by Rule 28-103.004(2), F.A.C., as follows: a request for a public hearing must be in writing and filed with the District Clerk during normal business hours, at the address below, within 21 days of publication of this notice. The request must specify how the requestor would be affected by the proposed rule. Any affected person who fails to timely file a request for hearing waives the right to request a hearing on the proposed rule.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ ~~September 2003~~"

(b) through (k) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 4-6-03, 4-14-03, 9-16-03, _____.

(The following represents proposed changes to the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – September 2003" incorporated by reference in Rule 40E-4.091, F.A.C.)

4.3.7.6 Financial Responsibility Mechanisms

Financial responsibility for the mitigation, monitoring and corrective action for the project may be established by any of the following methods, at the discretion of the applicant, and in substantial conformance with the forms referenced below:

(a) Performance bond (See Form No. 1105, incorporated by reference in Rule 40E-1.659, F.A.C.);

(b) Irrevocable letter of credit (See Form No. 1106, incorporated by reference in Rule 40E-1.659, F.A.C.);

4.4.4.7 Draft documentation of financial responsibility meeting the requirements of section 4.4.10, and in substantial conformance with the Mitigation Bank Financial Assurance Form Nos. 1019-1024, incorporated by reference in Rule 40E-1.659, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Environmental Resource Regulation Department, Water Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Early Intervention Services
RULE NO.: 59G-4.085

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Early Intervention Services Coverage and Limitations Handbook. The rule text references the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, as being incorporated by reference in Rule 59G-4.001, F.A.C.

SUMMARY: This proposed rule would incorporate by reference the current Florida Medicaid Early Intervention Services Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 8:30 a.m., May 24, 2004

PLACE: 2727 Ft. Knox Blvd., Bldg. 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gail Connolly, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7319

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.085 Early Intervention Services.

(1) This rule applies to all Early Intervention Services providers enrolled in the Medicaid program.

(2) All Early Intervention Services providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, October 2003 ~~February 1999~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500, ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History--New 2-1-94, 4-30-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gail Connolly

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hearing Services
RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004. The coverage and limitations handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908 FS.

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

TIME AND DATE: 1:00 p.m., Monday, May 24, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists ~~hearing services providers~~ enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, ~~January 2004~~ ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, ~~409.907~~, 409.908 FS. History--New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ouida Mazzoccoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Mary Pat Moore, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: April 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: February 6, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Assistant Services

RULE NO.: 59G-4.231

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004. The coverage and limitations handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new physician assistant procedure codes, and updated fee schedules effective January 2004.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., May 25, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.231 Physician Assistant Services.

(1) No change.

(2) All physician assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, ~~409.907~~, 409.908, 409.9081 FS. History--New 8-21-95, Amended 5-28-96, 3-11-98, 10-13-98, 8-9-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynne Metz

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Pat Moore, Interim Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2004

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Registered Nurse First Assistant Services
RULE NO.: 59G-4.270

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004. The handbook revisions include the federal Health Insurance Portability and Accountability Act (HIPAA) requirements and an updated fee schedule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902 409.905, 409.908 409.9081 FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., May 25, 2004

PLACE: 2727 Ft. Knox Blvd., Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeleine Nobles, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7326

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.270 Registered Nurse First Assistant Services.

(1) No change.

(2) All registered nurse first assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA 1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented ~~409.902~~ 409.905, 409.906, 409.908, 409.9081 FS. History--New 3-11-98, Amended 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Madeleine Nobles

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Pat Moore, Interim Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Continuing Education Standards
RULE NO.: 61G18-16.003

PURPOSE AND EFFECT: The Board proposes to add language to address Board meetings and The Registry of Approved Continuing Education Courses (RACE).

SUMMARY: A rule will be amended to add language to address Board meetings and The Registry of Approved Continuing Education Courses (RACE).

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

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

SPECIFIC AUTHORITY: 474.206, 474.211, 474.212 FS.

LAW IMPLEMENTED: 474.211, 474.212 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 Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-16.003 Continuing Education Standards.

(1) No change.

(2) Approved courses are scientific and continuing education courses provided by:

(a) National, State and International veterinary association meetings and Board meetings.

(b) Board Certified Specialties recognized by the AVMA

(c) University of Florida, College of Veterinary Medicine sponsored courses, including clinical grand rounds, veterinary resident's seminars and Board specialty review sessions.

(d) The Registry of Approved Continuing Education Courses (RACE).

(3)(a) through (d) No change.

Specific Authority 474.206, 474.211, 474.212 FS. Law Implemented 474.211, 474.212 FS. History–New 12-10-81, Amended 8-15-84, 5-7-85, Formerly 21X-16.03, Amended 10-14-86, 3-26-90, Formerly 21X-16.003, Amended 8-18-94, 2-6-95, 7-4-95, 12-30-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE:

RULE NO.:

Standards for Providers of Continuing

Veterinary Medical Education

61G18-16.0035

PURPOSE AND EFFECT: The Board proposes to add language to address registration of providers and Board approval.

SUMMARY: A rule will be amended to add language to address registration of providers and Board Approval.

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

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

SPECIFIC AUTHORITY: 474.206, 474.211, 474.212 FS.

LAW IMPLEMENTED: 474.211, 474.212 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 Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-16.0035 Standards for Providers of Continuing Veterinary Medical Education.

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

(4) Providers must be registered with and approved by the Board. Such Board approval must be renewed by the Provider every four years.

Specific Authority 474.206, 474.211, 474.212 FS. Law Implemented 474.211, 474.212 FS. History–New 5-19-96, Amended 9-24-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE:

RULE NO.:

Continuing Education During Initial

Licensure Period

64B2-13.007

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

SUMMARY: The Board specifies that practitioners are required to obtain five additional continuing education hours through board meeting attendance during the first 12 months after initial licensure.

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(6), 460.405, 460.408 FS.

LAW IMPLEMENTED: 456.013(6), 460.408 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.007 Continuing Education During Initial Licensure Period.

During the first 12 months after initial licensure ~~initial biennium of licensure~~, practitioners are required to obtain five hours of continuing education in the subject area of risk management by attending one full day or 8 hours at a Florida Board of Chiropractic Medicine meeting at which disciplinary hearings are conducted as provided in subsection 64B2-13.004(8), F.A.C. Once the hours required by Rule 64B2-13.0045, F.A.C, have been met, licensed practitioners shall not be required to complete any other continuing education requirements during the biennium in which they receive initial licensure.

Specific Authority 456.013(6), 460.405, 460.408 FS. Law Implemented 456.013(6), 460.408 FS. History--New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended 11-13-01, 5-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Curriculum Requirements for Clinical

Laboratory Personnel Training Programs **RULE NO.:** 64B3-3.003

PURPOSE AND EFFECT: The Board proposes to add new language to the existing rule text.

SUMMARY: The Board is adding curriculum requirements for embryology and andrology technician or technologist level programs to include: maintenance and use of instrumentation, isolation principles and techniques, culture techniques and principles, specimen handling, and quality control.

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), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-3.003 Curriculum Requirements for Clinical Laboratory Personnel Training Programs.

(1) No change.

(2) All programs not accredited by the National Accrediting Agency for Clinical Laboratory Science (NAACLS), the Council on Accreditation of Allied Health Education Programs (CAAHEP), or the Accrediting Bureau of Health Education Schools (ABHES) except for those in the categories of cytology, cytogenetics, ~~or~~ histocompatibility, embryology or andrology shall adopt the curriculum standards defined in the Florida Department of Education Program Standards as designated in Section 229.565, F.S., for the categories in which training occurs as follows:

(a) through (d) No change.

(3) through (6) No change.

(7) For the category of embryology, technician or technologist level programs shall at a minimum include instruction in the following competencies:

(a) Maintenance and use of instrumentation utilized in the embryology laboratory.

(b) Principles and techniques for isolating specimens.

(c) Appropriate culture techniques of specimens including principles of culture techniques.

(d) Appropriate handling of specimens.

(e) Quality control and quality assurance.

(8) For the category of andrology, technician or technologist level programs shall at a minimum include instruction in the following competencies:

(a) Maintenance and use of instrumentation utilized in the category of andrology testing.

(b) Principles and techniques for isolation specimens.

(c) Appropriate culture techniques of specimens including principles of culture techniques.

(d) Appropriate handling of specimens.

(e) Quality control and quality assurance.

(7) through (8) renumbered (9) through (10) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History--New 5-9-95, Amended 12-4-95, 4-24-96, Formerly 590-3.003, Amended 3-19-98, 9-20-98, 1-11-99, 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: January 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The Board proposes the rule amendments to require the compliance of continuing education providers with paragraph 64B8-51.006(3)(g), F.A.C., and also to establish the number of hours of hands-on instruction of laser and light-based devices.

SUMMARY: The proposed rule amendments require continuing education provider applicants to submit a copy of the facility's license and the most recent Department of Health inspection sheet; also, to require that at least five (5) hours of a 30-hour instruction course consist of hands-on experience.

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

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

SPECIFIC AUTHORITY: 478.43 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250, and shall complete and submit to the Council the application form entitled "Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider", form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

(a) No change.

(b) Shall have its sponsor submit to the Council at least the following:

1. through 5. No change.

6. A copy of the electrology facility license and the most recent Department of Health inspection sheet from the location where the continuing education training course is offered demonstrating compliance with paragraph 64B8-51.006(3)(g), F.A.C.

(2) The course consists of thirty (30) hours of instruction, which may include 15 hours of home-study didactic training, in the use of laser and light-based hair removal or reduction devices, including:

(a) through (v) No change.

(w) At least five (5) hours of hands-on experience with laser and light-based devices to include hair removal or reduction from all areas of the body.

Specific Authority 478.43 FS. Law Implemented 478.42(5), 478.43(3), 478.50 FS. History--New 10-3-00, Amended 12-24-01, 12-26-02, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2004 and April 3, 2004

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

DEPARTMENT OF HEALTH

Florida Clean Indoor Air Act

| | |
|--|------------|
| RULE TITLES: | RULE NOS.: |
| Procedures to be Followed by Department of Health (DOH) Personnel When Investigating Florida Clean Indoor Air Act (FCIAA) Complaints and Notifying Alleged Violators | 64E-25.001 |
| On-Site Investigations of Enclosed Indoor Workplaces | 64E-25.002 |
| DOH Procedures for Responding to Complaints and Complaint Referrals Involving Enclosed Indoor Workplaces | 64E-25.003 |
| Minimum Standards for Assessing Fines by DOH Personnel Against an Enclosed Indoor Workplace Found to be in Violation of the Florida Clean Indoor Air Act | 64E-25.004 |
| Smoking Cessation Program Designations | 64E-25.005 |
| Definitions | 64E-25.006 |

PURPOSE AND EFFECT: To amend current rule and to implement statutory provisions relating to Chapter 386, Florida Statutes.

SUMMARY: The proposed rule conforms to 2003 legislative changes to Chapter 386, Florida Statutes, which prohibits smoking in enclosed indoor workplaces, with specific exceptions.

STATEMENT OF ESTIMATED REGULATORY COSTS: None prepared.

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

SPECIFIC AUTHORITY: 386.2125, 386.207 FS.

LAW IMPLEMENTED: 381.0012, 386.206, 386.207 FS.

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

TIME AND DATE: 1:30 p.m., Monday, May 24, 2004

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Arnold, Program Specialist, Department of Health, 4052 Bald Cypress Way, Bin #C23, Tallahassee, Florida 32399-1743, (850)245-4281, 1(800)337-3742, email: Donna_Arnold@doh.state.fl.us, Fax (850)414-7497

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-25.001 Procedures to be Followed by Department of Health (DOH) ~~DOH~~ Personnel When Investigating Florida Clean Indoor Air Act (FCIAA) Complaints and Notifying Alleged Violators.

(1) During inspections, DOH environmental health personnel shall document all observed violations of the Florida Clean Indoor Air Act (FCIAA) according to the requirements of Chapter 64E-25, F.A.C.

(2) Upon completion of the on-site inspection, DOH environmental health personnel shall ~~will~~ complete the required sections of the Request for Inspection Form, DH 1026, 11/03, 4/97, a copy of which may be obtained from the Department of Health, Division of Health Awareness and Tobacco, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin C23, A08, Tallahassee, FL 32399-1743, 4710, and which is incorporated herein by reference, reporting that:

(a) The enclosed indoor workplace facility is not in compliance with the FCIAA and at the request of the proprietor or other person in charge of the enclosed indoor workplace, an extension from the initial 21 30 days given from receipt of the noncompliance letter, ~~and upon request of the facility~~, shall ~~should~~ be granted, or

(b) The enclosed indoor workplace facility is not in compliance with the FCIAA and administrative proceedings shall ~~should~~ be initiated, or

(c) ~~There were no violations of the FCIAA found~~ The facility is in compliance with FCIAA and the case shall ~~should~~ be closed.

(3) The county health department director or administrator will forward the completed inspection form to the Division of Health Awareness and Tobacco, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #C23, A08, Tallahassee, FL 32399-1743 4710.

(4) Upon receipt of the county health department ~~director's report~~, the Division of Health Awareness and Tobacco shall ~~Bureau of Facility Programs will~~:

(a) Grant an extension, at the based upon request of the proprietor or other person in charge of the enclosed indoor workplace from facility to the environmental health inspector during initial inspection, ~~in~~ which ~~facility~~ indicates such person's willingness to correct observed violation(s) violations and meet compliance within 7 days of the next inspection. A follow-up inspection will occur within 7 days. Should observed violation(s) violations continue to not be found in the follow-up corrected within 7 days of the next inspection, an administrative penalty shall be assessed in accordance with Chapter 120, F.S., and Rule 64E-25.004, F.A.C., or

(b) Initiate administrative proceedings according to the provisions of Chapter 120, F.S., or

(c) Close the case.

Specific Authority 386.207, 386.2125 FS. Law Implemented 381.0012, ~~386.205~~, 386.206, 386.207 FS. History-New 2-27-94, Amended 4-2-96, Formerly 10D-105.008, 64D-1.001, Amended 11-5-02, _____.

64E-25.002 On-Site Investigations of Enclosed Indoor Workplaces Public Places.

During inspections or investigations of any Florida Clean Indoor Air Act (FCIAA) complaint, DOH environmental health personnel shall document all observed violation(s) of Section 386.205 or 386.206, F.S. Such violations include the following:

(1) The proprietor or other person in charge of an enclosed indoor workplace shall develop a policy regarding the prohibition of smoking in an enclosed indoor workplace. Such policy must include a prohibition of smoking in the enclosed indoor workplace. In any workplace where there are smokers and nonsmokers, employers shall develop a policy with regard to the designation of smoking areas. Should there be no written policy, a violation of Section 386.206(2), 386.205 (3), F.S., exists and shall will be documented as: "Failure to develop a smoking policy regarding smoking prohibition smoking and nonsmoking areas."

(2) The proprietor or other person in charge of an enclosed indoor workplace shall implement a policy regarding smoking prohibition. Employers are required to implement a written smoking policy. If persons employees are observed violating the a workplace policy, a violation of Section 386.206(2) 386.205(3), F.S., exists and shall will be documented as: "Failure to implement a an existing smoking policy regarding smoking prohibition."

(3) The proprietor or other person in charge of an enclosed indoor workplace where a smoking cessation program, medical research, or scientific research is conducted shall conspicuously post, or cause to be posted, signs designating areas where smoking is permitted for such purposes within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(4), F.S., exists and will be documented as: "Failure to post signs designating smoking permitted areas."

(3) Should a smoking policy exist for a workplace but not be posted, a violation of Section 386.205(3), F.S., exists and will be documented as "Failure to post a smoking policy."

(4) The proprietor or other person in charge of an enclosed indoor workplace where, prior to the adoption of section 20, Art. X of the State Constitution was required to post signs under Section 386.206, F.S., shall continue to post signs stating that smoking is prohibited within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(1), F.S., exists and shall be documented as: "Failure to post smoking prohibited signs."

(4) If one or more workers assigned to a common work area does not consent to smoking being permitted in that common work area, then that area can not be designated as a smoking area. If a smoking area is designated in a common work area over the objections of any worker assigned to work

in that area, then a violation of Section 386.205(3), F.S., exists and will be documented as: "Common work area designated as smoking area without employee consent."

(5) If smoking is allowed in a classroom, laboratory, library, faculty office, administrative office, dining facility or any other building owned or leased by any public or private college, school, day-care facility or other educational facility then a violation of Section 386.205(2)(a), F.S., exists and will be documented as "Smoking permitted or designated in a prohibited area."

(6) If more than one half of the total square footage of any public place or any enclosed indoor area of a public place used for a common purpose as defined by Section 386.202 and 386.205, F.S., is designated as smoking permitted areas then a violation of Section 386.205(4), F.S., exists and will be documented as "More than one half total square footage of a public place is designated as a smoking area."

(7) If smoking is allowed anywhere in a mass transit terminal concourse, then a violation of Section 386.205, F.S., exists and shall be documented as: "Smoking permitted or designated in a prohibited area."

(8) If smoking is allowed anywhere in an enclosed shopping mall concourse, then a violation of Section 386.205, F.S., exists and shall be documented as "Smoking permitted or designated in a prohibited area."

(9) If smoking is permitted in a patient's room in a hospital, nursing home, or other health care facility without the permission from the primary attending physician and without full consent by all patients assigned to that room, then a violation of Section 386.205(2)(a), F.S., exists and will be documented as: "Smoking permitted in a patient's room without permission from attending physician and full consent from all patients assigned to that room."

(10) If smoking is permitted in more than one-half of the rooms in a hospital, nursing home, or other health care facility then a violation of Section 386.205(2)(b), F.S., exists and will be documented as: "More than one-half of the rooms in a health care facility is designated as smoking."

(11) If smoking is allowed in an enclosed shopping mall food court and is not specifically regulated by the Department of Business and Professional Regulation, then a violation of Section 386.205, F.S., exists and shall be documented as: "Smoking permitted or designated in a prohibited area."

(12) If smoking is allowed in common areas (Section 386.203(6), F.S.) of a public place then a violation of Section 386.205(2)(a), F.S. exists and will be documented as: "Smoking areas designated in common areas expected to be used by the public."

Specific Authority 386.207, 386.2125 FS. Law Implemented 386.205, 386.206, 386.207 FS. History—New 2-27-94, Amended 2-19-96, 4-2-96. Formerly 10D-105.009, Formerly 64D-1.002, Amended 11-5-02, _____.

64E-25.003 DOH Procedures for Responding to Complaints and Complaint Referrals Involving Enclosed Indoor Workplaces ~~Public Places~~.

(1) To report a violation of the Florida Clean Indoor Air Act, the public may call the FCIAA office at 1(800)337-3742 or correspond via email at DHAT_Tobaccocomplaint@doh.state.fl.us ~~http://www9.myflorida.com/environment/facility/feiaa/feiaareq.htm~~. If mailing a complaint, the FCIAA program office will need the following information: Name of enclosed indoor workplace ~~public place~~ (where violation is occurring), mailing address, city, and zip code, nature of violation(s), and if possible, the name of the person in charge. Mail to the Division of Health Awareness and Tobacco, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin C23, A08, Tallahassee, FL 32399-1743 ~~32399-1710~~.

(2) In responding to complaints concerning alleged violations of Section ~~386.205~~ or 386.206, F.S., in an enclosed indoor workplace ~~public places~~ not inspected by the Department of Business and Professional Regulation (DBPR), ~~DBPR~~, DOH personnel shall ~~will~~, by certified mail:

(a) Issue a letter of noncompliance to the proprietor or other person in charge of the enclosed indoor workplace ~~affected public place~~ indicating that alleged complaints have been received.

(b) Describe the specific violation(s) ~~violations~~ that pertain to that enclosed indoor workplace ~~public place~~.

(c) Describe the remedial action needed.

(d) Require a written response and a copy of the current smoking policy regarding smoking prohibition within 21 ~~thirty~~ days of receipt of the notice.

(3) Should the proprietor or other person in charge fail to respond within 21 ~~30~~ days of the receipt of the notice or should the department receive an additional complaint thereafter, the Division of Health Awareness and Tobacco shall ~~Bureau of Facility Programs will~~:

(a) Identify the violation(s) that is ~~violations which are~~ reported to have occurred by completing a Request for Inspection Form.

(b) Forward the Request For Inspection Form to the county health department director or administrator in the county where the violation(s) was ~~violations were~~ reported.

(4) Request that county health department personnel conduct an inspection of the enclosed indoor workplace premises alleged to be in violation within 30 days of receipt of the Request For Inspection Form following the inspection guidelines delineated in Section 64E-25.002, F.A.C.

Specific Authority 386.207, 386.2125 FS. Law Implemented 381.0012, ~~386.205~~, 386.206, 386.207 FS. History—New 2-27-94, Amended 4-2-96, Formerly 10D-105.010, 64D-1.003, Amended 11-5-02, _____.

64E-25.004 Minimum Standards for Assessing Fines by DOH Personnel Against an Enclosed Indoor Workplace ~~Public Places~~ Found to be in Violation of the Florida Clean Indoor Air Act.

When the proprietor or other person in charge of an enclosed indoor workplace ~~a public place~~ has been notified of observed violation(s) upon receipt of the department's noncompliance letter ~~violations~~ and has failed to correct the violation(s), ~~these violations~~, the department shall assess fines in accordance with the following fine schedule and the provisions of Chapter 120, Florida Statutes. ~~The minimum standards for assessing penalties are as follows:~~

| | First Offense | Second Offense | Third Offense |
|---|------------------|-------------------|------------------|
| Smoking permitted or designated in prohibited area: | \$250.00 | \$500.00 | \$1000.00 |
| Smoking permitted in a patient's room without permission from attending physician and consent of all patients assigned to that room: | \$100.00 | \$200.00 | \$500.00 |
| More than one-half of the rooms in a health care facility is designated as smoking: | \$75.00 | \$150.00 | \$300.00 |
| Failure to develop a no smoking policy: | \$250.00 | \$500.00 | \$1000.00 |
| Failure to implement a no smoking policy: | \$75.00 | \$150.00 | \$300.00 |
| Failure to post a smoking policy: | \$75.00 | \$150.00 | \$300.00 |
| Smoking permitted or designated in a common work area without employee consent: | \$100.00 | \$300.00 | \$500.00 |
| More than one-half the total square footage of a public place is designated as a smoking area: | \$100.00 | \$300.00 | \$500.00 |
| Smoking area designated in common areas expected to be used by the public: | \$250.00 | \$500.00 | \$1000.00 |
| "Designated Smoking Area" or "Smoking Permitted" signs not posted in designated areas of an enclosed indoor workplace where a smoking cessation program, medical research, or scientific research is conducted: | \$75.00 | \$150.00 | \$300.00 |
| "Smoking prohibited" signs not posted: | \$250.00 | \$500.00 | \$1000.00 |

Specific Authority 120.535, 381.0012, 381.0025, 381.0061, 386.207, 386.2125 FS. Law Implemented 381.0012 ~~386.205~~, 386.206, 386.207 FS. History—New 2-27-94, Amended 4-2-96, Formerly 10D-105.012, 64D-1.004, Amended _____.

64E-25.005 Smoking Cessation Program Designations.

(1) If a smoking cessation program is conducted within an enclosed indoor workplace and requires smoking during its sessions, the department must approve the program in order to permit smoking within an enclosed indoor workplace.

(2) Those smoking cessation programs, which desire to seek such approval, must apply to the department and comply with the following requirements:

(a) The program provides a minimum of four sessions. Sessions may be conducted with individuals or groups. These sessions shall include the following topics:

- 1. Establishing reasons for quitting;
- 2. Various techniques for quitting and remaining a non-smoker;
- 3. Overcoming the problems of quitting, i.e. withdrawal symptoms;
- 4. Short-term goal setting;
- 5. Setting a quit date; and
- 6. Relapse prevention information.

(b) The program operates under a written program or service outline. This outline shall include:

- 1. Overview of the program or service;
- 2. Objectives and key topics covered;
- 3. General counseling strategies; and
- 4. Clearly stated process of evaluation.

(c) The program employs counselors who have training and experience in smoking cessation.

(d) The program utilizes an evaluation process as set out in a written program or service outline.

(e) If smoking is permitted in any area, the area must be designated as such and comply with signage requirements under s. 386.206(4), F.S.

(f) Such designated areas must exhaust tobacco smoke directly to the outside and away from air intake ducts, and be maintained under negative pressure, with respect to surrounding spaces to contain tobacco smoke within the designated area.

Specific Authority 386.2125, 386.207 FS. Law Implemented 386.2045(5), 386.206(4), 386.207 FS. History—New _____.

64E-25.006 Definitions.

(1) “Predominantly bounded by physical barriers” means:

(a) More than fifty percent covered from above, to be calculated as if fully extended, by a physical barrier, that excludes rain, and

(b) More than fifty percent covered on the sides with surfaces that block air flow.

(2) “Proprietor or other person in charge of an enclosed indoor workplace” means:

(a) When the enclosed indoor workplace is rented to a tenant, the tenant or the tenant’s employees or agents, without limiting the ultimate responsibility of the tenant to implement the policy regarding smoking prohibition, or

(b) When the enclosed indoor workplace is not rented to a tenant, the owner of the enclosed indoor workplace or that owner’s employees or agents, without limiting the ultimate responsibility of the owner of the enclosed indoor workplace to implement the policy regarding smoking prohibition in all enclosed indoor workplaces where (a) does not apply.

Specific Authority 386.2125 FS. Law Implemented 386.203(5),(12) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Arnold, Senior Human Services Program Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Phil E. Williams, Division Director
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 17, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 3, 2003
P.O. # QT1812

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Explosives
RULE TITLE: Construction Materials Mining Activities

RULE CHAPTER NO.: 69A-2
RULE NO.: 69A-2.024

PURPOSE AND EFFECT: The purpose of this rule is to provide forms and procedures under Sections 552.32-552.44, Florida Statutes, for bonds and letters of credit. The effect of this rule development will be to assist mining companies subject to Chapter 552, Florida Statutes, in complying with the Florida Construction Materials Mining Activities Administrative Recovery Act, Sections 552.32-552.44, Florida Statutes.

SUMMARY: Provides procedures and forms to implement the legislation providing for bonds and letters of credit as security for payment of judgments.

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

Any person who wishes to provide information regarding the statement of 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: 552.38 FS.

LAW IMPLEMENTED: 552.38 FS.

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

TIME AND DATE: 9:00 a.m., June 2, 2004

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

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Nancy Ray, (850)413-3622.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Terry Hawkins, Safety Program Manager, Regulatory Licensing Section, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)922-3171

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-2.024 Construction Materials Mining Activities.

(1) through (13) No change.

(14) FLORIDA CONSTRUCTION MATERIALS MINING ACTIVITIES ADMINISTRATIVE RECOVERY ACT, SECTIONS 552.32-552.44, FLORIDA STATUTES; BONDS, LETTERS OF CREDIT.

(a) Any person seeking to obtain a new User of Explosives License or to renew an existing User of Explosives License pursuant to the provisions of Section 552.091(5)(a), Florida Statutes, and who is engaged in or intends to engage in the use of explosives in connection with construction materials mining activities, or any person seeking to obtain a new Construction Materials Mining Permit or to renew an existing Construction Materials Mining Permit issued pursuant to the provisions of Section 552.30, Florida Statutes, must post and maintain a bond as security on Form DFS-K3-1580 which is hereby adopted and incorporated herein by reference, except as set forth in paragraph (d).

(b) Form DFS-K3-1580 may be obtained from the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(c) Any bond which is on a form other than Form DFS-K3-1580 is not acceptable and is void and of no effect.

(d) In lieu of the bond required in paragraph (a), a person referred to in paragraph (a) is permitted to obtain and maintain a letter of credit, which for purposes of this subsection shall be referred to as "Letter." If a Letter is obtained and maintained in place of a bond, the following provisions apply.

1. Except as provided in this subsection, the provisions of Chapter 675, Florida Statutes, including, but not limited to, the definitions contained in Section 675.103, Florida Statutes, are applicable to each Letter, each party to a Letter, and to this subsection.

2. The issuer of the Letter must be a financial institution chartered under the laws of the United States of America or of the State of Florida.

3. The beneficiary of each Letter shall be the Department of Financial Services on behalf of a prevailing party in an action for damages sustained under the Florida Construction Materials Mining Activities Administrative Recovery Act, Sections 552.32-552.44, Florida Statutes, if any person referred to in paragraph (a) fails to pay damages awarded within 30 days after a final order awarding damages is issued by an administrative law judge of the Division of Administrative Hearings, or within 30 days after the entry of an appellate mandate affirming a final order awarding damages.

4. The applicant for the Letter must be a person referred to in paragraph (a).

5.a. Each Letter must contain a condition of the undertaking.

b. The condition of the undertaking of each Letter is that the Letter shall specifically authorize recovery by the department on behalf of a prevailing party in an action for damages sustained under the Florida Construction Materials Mining Activities Administrative Recovery Act, Sections 552.32-552.44, Florida Statutes, in the event that the applicant for the Letter fails to pay damages awarded within 30 days after a final order awarding damages is issued by an administrative law judge of the Division of Administrative Hearings, or within 30 days after entry of an appellate mandate affirming a final order awarding damages.

6. Each Letter must be authenticated by a signature which is on file with the department or in accordance with the standard practices referred to in Section 675.108(5), Florida Statutes.

7. The original of each Letter, once issued, must be maintained in the custody of the department.

8.a. No Letter is permitted to contain a statement that it is revocable.

b. If a Letter contains a statement that it is revocable, such Letter is void and of no effect for purposes of complying with the Florida Construction Materials Mining Activities Administrative Recovery Act, Sections 552.32-552.44, Florida Statutes, or these rules.

9.a. Each Letter shall state that it is perpetual.

b. Each Letter shall be perpetual within the meaning of Section 675.106, Florida Statutes.

10.a. Each Letter must be replaced not later than 4 years and 6 months after the stated date of issuance or, if none is stated, after the actual date of issuance.

b. Failure to replace the Letter within the 4 years and 6 months period without providing a bond as permitted by paragraph (a) constitutes an immediate, serious danger to the public health, safety, and welfare, and shall result in an immediate final order of revocation of the licensee's or

permittee's license or permit, and also constitutes grounds for the imposition of any other applicable penalty provided for in Chapter 552, Florida Statutes.

11.a. Each Letter shall be payable on or before the seventh day after presentation of a document evidencing satisfaction of the condition of the undertaking.

b. Presentation of a certified copy of a judgment awarding damages from an administrative law judge of the Division of Administrative Hearings under the Florida Construction Materials Mining Activities Administrative Recovery Act, Sections 552.32-552.44, Florida Statutes, or a certified copy of an appellate court mandate affirming such a judgment, together with an affidavit from an authorized department representative that such judgment has not been paid, constitutes sufficient evidence to satisfy the condition of the undertaking for payment under the Letter.

c. Authorized representatives of the department are the Chief Financial Officer acting as the State Fire Marshal, the department's Chief of Staff, any Deputy Chief Financial Officer acting on behalf of the Chief Financial Officer acting as the State Fire Marshal, the director of the Division of State Fire Marshal, the Chief of the Bureau of Fire Prevention, the Safety Program Manager of the Bureau of Fire Prevention, and any attorney employed by the department.

d. Payment under the Letter shall be made to the "Department of Financial Services."

e. After receipt of payment of the Letter, the department shall deposit the check and, upon clearance of such check, the department shall issue a check for the exact same amount as the payment under the Letter to the owner or holder of the judgment referenced in this subsection.

12.a. Each Letter shall state that it is transferable and assignable from the department to the department's transferee or assignee.

b. The department's transferee or assignee shall be the owner and holder of a judgment from an administrative law judge of the Division of Administrative Hearings providing for damages under the Florida Construction Materials Mining Activities Administrative Recovery Act, Sections 552.32-552.44, Florida Statutes, or a mandate affirming such a judgment, which the licensee or permittee has failed to pay within the time allotted in such Act.

13. Each Letter shall be governed by, and shall state that it is governed by, the laws of the State of Florida, regardless of the country, state, territory, or other location at which the Letter was applied for, requested, or issued.

14. Each Letter shall state that venue for any cause of action brought under the Letter in state court shall lie in the circuit court of the Second Judicial Circuit of Florida, in and for Leon County, and, if an action is brought under the laws of the United States of America, venue shall lie in the United States District Court for the Northern District of Florida, Tallahassee Division.

15. Each Letter is subject to approval by the department; however, the department shall not unreasonably withhold approval of any Letter which complies with these rules.

16. Once approved by the department, no Letter may be altered or amended in any manner except with written approval of the department.

(e)1. Each bond or letter of credit shall provide security for payment of any award against the user or permit holder in the initial amount of not less than \$100,000.00, which amount shall be maintained at all times the user or permit holder engages in construction materials mining activities. If the user or permit holder wishes, such bond or letter of credit may be maintained in an amount that exceeds \$100,000.00.

2. If an award is made pursuant to Section 552.40(7), Florida Statutes, and the respondent which is a user or permit holder fails to pay the damages within 30 days after the final order is issued or within 30 days after the entry of an appellate mandate affirming a final order awarding damages, and the award is paid from the bond or letter of credit provided for in Section 552.38, Florida Statutes, and this rule, the respondent shall immediately secure a replacement bond or letter of credit in the full sum of not less than \$100,000.00.

3. The respondent against whom the award was made and the award paid from the bond or letter of credit shall not engage in construction materials mining activities without having secured an effective replacement bond or letter of credit.

(15)(14) No change.

Specific Authority 552.38 FS. Law Implemented 552.38 FS. History--New 11-25-01, Amended 6-24-02, Formerly 4A-2.024, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

| | |
|--|-------------|
| RULE TITLES: | RULE NOS.: |
| Title Insurance Rates | 690-186.003 |
| Premium Schedule Applicable to "Truth in Lending" and Other Endorsements | 690-186.005 |
| Forms Adopted | 690-186.016 |

PURPOSE, EFFECT AND SUMMARY: To adopt appropriate rates for Junior Loan Title Insurance; to adopt forms for use with Junior Loan Title Insurance; and to list forms adopted for use with Junior Loan Title Insurance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 627.777, 627.782, 627.7825 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(h)3.a., 627.777, 627.782, 627.7825, 627.783, 627.7831, 627.7841, 627.7845, 697.04(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: 9:30 a.m., May 26, 2004

PLACE: Room 116, Larson Building, 200 East 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 Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric Lingswiler, Chief, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, e-mail: lingswilere@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

690-186.003 Title Insurance Rates.

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

(c) For junior loan title insurance:

1. The premium for junior loan title insurance shall be:

a. \$1.33 per \$1,000.00 of liability written.

b. The minimum premium shall be \$50.00.

c. The minimum insurer retention shall be 30%.

2. Eligibility for the junior loan policy shall be restricted to the following:

a. The insured title is for land having 1-4 residential units;

b. The junior loan must be a second or subsequent mortgage loan and must meet the definitional requirements of a "federally related mortgage loan", as defined in the Real Estate Settlement Procedures Act of 1974, 12 USC ss. 2601 et seq;

c. The junior mortgage loan amount is less than or equal to \$500,000.

d. No junior loan policy may be issued for an amount less than the full junior loan principal debt.

e. The following forms are hereby incorporated herein by reference exclusively for use with junior loan title insurance:

(I) ALTA Residential Limited Coverage Junior Loan Policy with Florida Modifications and accompanying ALTA Endorsement JR1, as adopted in Rule 690-186.016, F.A.C.

(II) ALTA Short Form Residential Limited Coverage Junior Loan Policy with Florida Modifications and accompanying ALTA Endorsement JR1, as adopted in Rule 690-186.016, F.A.C.

(2) through (12) No change.

Specific Authority 624.308(1), 626.9611, 627.782, 627.7825 FS. Law Implemented 624.307(1), 626.9541(1)(h)3.a., 627.777, 627.782, 627.7825, 627.783, 627.7831, 627.7841, 627.7845 FS. History-New 9-17-71, Amended 12-28-73, Repromulgated 12-24-74, Amended 4-12-82, 12-23-82, Formerly 4-21.03, Amended 6-25-86, 2-26-90, 7-26-90, 2-27-91, Formerly 4-21.003, 4-186.003, Amended 2-13-95, 1-27-02, Formerly 4-186.003, Amended _____.

690-186.005 Premium Schedule Applicable to "Truth in Lending" and Other Endorsements.

(1) through (5) No change.

(6)(a) In recognition of the increased risk in issuing the following endorsements on a mortgage or owner's policy, as such endorsements have been approved by the Office and adopted in Rule 690-186.016, F.A.C., the minimum premium shall be \$25.00 for each endorsement on any mortgage or owner's policy issued. The endorsements shall be itemized on the closing statement furnished to the insured.

1. ALTA 4/4.1 Condominium.
2. ALTA 5/5.1 Planned Unit Development.
3. ALTA 6 Renegotiable Rate.
4. ALTA 6.1 Variable Rate.
5. ALTA 6.2 Negative Amortization.
6. ALTA 7.0 Manufactured Housing.
7. ALTA 8.1 Environmental Protection Lien.
8. Revolving Credit Endorsement.

(b) No change.

(c) In recognition of the increased risk in issuing optional endorsement ALTA Endorsement JR 2 Revolving Credit/Variable Rate on a junior loan title insurance policy, which has been approved by the Office and adopted in Rule 690-186.016, F.A.C., the minimum premium shall be \$25.00 for issuing ALTA Endorsement JR 2 Revolving Credit/Variable Rate on any junior loan title insurance policy issued. ALTA Endorsement JR 2 Revolving Credit/Variable Rate is the only optional endorsement available for issue with the junior loan title insurance policy and this endorsement shall be itemized on the closing statement furnished to the insured. Irrespective of whether the ALTA Endorsement JR 2 Revolving Credit/Variable Rate is issued, no additional premium shall apply to the ALTA Endorsement JR1 which must accompany any junior loan title insurance policy.

(7) through (16) No change.

Specific Authority 624.308, 627.777, 627.782 FS. Law Implemented 624.307(1), 627.777, 627.782, 697.04(1) FS. History-New 9-17-71, Repromulgated 12-24-74, Formerly 4-21.05, Amended 6-25-86, 2-26-90, 2-27-91, Formerly 4-21.005, Amended 2-13-95, Formerly 4-186.005, Amended _____.

690-186.016 Forms Adopted.

(1) The following forms are hereby adopted and incorporated herein by reference:

- (a) ALTA 4 Condominium (3/27/92).
- (b) ALTA 4.1 Condominium (10/17/92).
- (c) ALTA 5 Planned Unit Development (3/27/92).
- (d) ALTA 5.1 Planned Unit Development (10/17/92).
- (e) ALTA 6 Renegotiable Rate (6/1/87).
- (f) ALTA 6.1 Variable Rate (6/1/87).
- (g) ALTA 6.2 Negative Amortization (6/1/87).
- (h) ALTA 7.0 Manufactured Housing (6/1/87).
- (i) ALTA 8.1 Environmental Protection Lien (3/12/88).
- (j) ALTA Endorsement JR1 (10/19/96).
- (k) ALTA Endorsement JR 2 Revolving Credit/Variable Rate (10/19/96).

(l) ALTA Residential Limited Coverage Junior Loan Policy (10/19/96) with Florida Modifications.

(m) ALTA Short Form Residential Limited Coverage Junior Loan Policy (10/19/96) with Florida Modifications.

(2) Copies of these forms are available from American Land Title Association, 1828 L Street N. W., Washington, D.C., 20036-5104, except the ALTA Residential Limited Coverage Junior Loan Policy (10/19/96) with Florida Modifications and the ALTA Short Form Residential Limited Coverage Junior Loan Policy (10/19/96) with Florida Modifications, which are available from the Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32309.

Specific Authority 624.308, 627.777 FS. Law Implemented 624.307(1), 627.777 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Lingswiler, Chief, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: 5E-13
RULE CHAPTER TITLE: Mosquito Control Program Administration

RULE NOS.:

- 5E-13.021
- 5E-13.022
- 5E-13.027
- 5E-13.030
- 5E-13.031
- 5E-13.032

RULE TITLES:

- Definitions
- Eligibility for State Aid
- Certified Budgets, Filing
- State Aid Basis and Availability
- District or County Use of Funds
- Program Directors, Employment and Classification

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., published in Vol. 30, No. 7, February 13, 2004, issue of the Florida Administrative Weekly. These changes reflect comments received from the Florida Administrative Procedures Committee and comments received at the hearing held on March 5, 2004.

THE PROPOSED RULE NOW READS AS FOLLOWS:

5E-13.021 Definitions.

(1) "Approved Mosquito Control Agency" – any county or district in current compliance with Sections 388.101 or 388.241, ~~388.261(2), 403.088(1), 388.162,~~ 388.271, 388.341, Florida Statutes, and Rule 5E-13.032, Florida Administrative Code.

(2) through (12) No change.

(13) "Labeling" – all labels and all other written, printed, or graphic matter:

(a) Accompanying the pesticide or device at any time; or

(b) To which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, ~~Education and Welfare~~, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(14) through (19) No change.

(20) "Director" – a qualified person responsible for the planning and direct supervision of a district as defined under Section 388.011~~(5)2-~~, F.S., who directs the execution of a county or district mosquito control program and oversees its day-to-day activities.

(21) through (23) No change.

(24) "Public land management agency" – any federal, state, or county agency that may be responsible for the management of such public lands as parks, wildlife management areas, preserves, fishing grounds, sea shores, etc., including but not limited to the department, the Florida Department of Environmental Protection, Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, and Trustees of the Internal Improvement Trust Fund.

(25) through (26) No change.

(27) "Landing rate count" – a method of determining adult mosquito levels by counting all mosquitoes that land on the visible portion of the body during a one minute period. Results are expressed as numbers of mosquitoes per minute.

(28) "Direct supervision" – supervision in which the supervisor must be in immediate contact, either directly or by electronic means, including, but not limited to, cell phones, radios and computers.

Specific Authority 388.361 FS. Law Implemented 388.361, 388.411 FS. History—New 1-1-77, Formerly 10D-54.21, Amended 2-10-87, Formerly 10D-54.021, Amended 3-14-94, _____

5E-13.022 Eligibility for State Approved Program and/or Aid.

(1) A district or county will be eligible to receive state aid for control of arthropods when it provides the following: an item in its annual budget for such purpose; a contract agreement with the department; a signed acknowledgement of being subject to Chapter 215.97, F.S.; a detailed work plan budget on DACS Form 13623, (Rev. 5/03) entitled "Detailed Work Plan Budget-Arthropod Control"; an operational work plan narrative on DACS Form 13666, (Rev. 4/04) entitled "Operational Work Plan for Mosquito Control" hereby incorporated by reference and the district or county complies with provisions of Section 388.271(1), F.S. Copies of these forms may be received from the department's Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

(2) No change.

(3) Participating districts or counties that do not want to receive state aid but want to remain or become a state approved program will be eligible when they provide the following: a memorandum agreement with the department that the district or county will provide monthly chemical reports of accomplishments and an inventory of chemicals as required by subsection 5E-13.027(5), Florida Administrative Code; a detailed work plan budget on DACS Form 13623, (Rev. 5/03) entitled "Detailed Work Plan Budget-Arthropod Control"; an operational work plan narrative on DACS Form 13666, (Rev. 4/04) entitled "Operational Work Plan for Mosquito Control", hereby incorporated by reference, and the district or county complies with provisions of Section 388.271(1) and 388.341, F.S. Copies of these forms may be received from the department's Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

Specific Authority 388.361 FS. Law Implemented 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History—New 1-1-77, Formerly 10D-54.22, 10D-54.022, Amended _____

5E-13.027 Certified Budgets, Filing.

(1) Not later than September 15 each district or county shall submit to the department two (2) copies of a certified budget on form DACS 130617, Annual Certified Budget for Arthropod Control, (Rev. 9/03) ~~(3/95)~~, and hereby incorporated by reference. Differences in amounts shown on the approved detailed budget and certified budget must be explained by accompanying requests for approval of changes to be made in the detailed budget. The certified budget shall show all estimated cash carry-over amounts as a beginning cash balance. When the estimated cash carry-over amount in any fund is found to be less than the actual cash carry-over amount, a budget amendment shall be submitted to budget the additional amount of funds. However, only local fund carry overs re-budgeted by October 30th will be matched. The department shall make an adjustment in funding amounts payable to the district or counties in the last 3 quarters of current fiscal year and provide notification to each district or county of any distribution changes due to the re-budget. Copies of this form may be received from the department's Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

(2) Budget amendments on form DACS 130613 (Rev. 9/03) ~~(3/95)~~, entitled "Arthropod Control Budget Amendment," and hereby incorporated by reference shall be prepared and submitted to the department prior to over-expending state funds in any account or expending state funds in non-budgeted accounts. Budget amendments must be explained by accompanying requests for approval of changes to be made in the detailed budget. Department approval of the amendment(s) must be received before such expenditures are made. Copies of this form may be received from the department's Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 P. O. Box 210, Jacksonville, Florida 32231-0042.

(3) Not later than thirty (30) days after the end of each month, each district or county shall submit a monthly financial report to the department on DACS Form 13663, (Rev. 6/03) entitled "Mosquito Control Monthly Report" for Local Funds and DACS Form 13650, (Rev. 6/03) entitled "Mosquito Control Monthly Report" for State Funds, hereby incorporated by reference. Failure to meet the deadlines will result in withholding of state aid until the required reports are submitted, and re-distribution of the state aid to other existing state approved programs if the reports are not received within 90 days of the deadline. Copies of these forms may be received from the department's Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

(4) No change.

(5) A district or county shall submit monthly chemical reports of accomplishments and an inventory of chemicals on prescribed forms DACS Form 13664, (Rev. 5/03) entitled "Mosquito Control Chemical Inventory Report" and DACS Form 13652, (Rev. 6/03) entitled "Mosquito Control Monthly Activity Report" for pesticide activity, hereby incorporated by reference, to the department not later than thirty (30) days after the end of each month. Copies of this form may be received from the department's Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

(6) No change.

~~(7) Forms DACS 130617, Annual Certified Budget for Arthropod Control (3/95) and DACS 130613 Arthropod Control Budget Amendment (3/95), are hereby incorporated by reference. Copies may be obtained from the Bureau of Entomology and Pest Control, P. O. Box 210, Jacksonville, Florida 32231-0042.~~

Specific Authority 388.361 FS. Law Implemented 388.201, 388.271, 388.341 FS., Section 11, Chapter 91-428, Laws of Florida. History--New 1-1-77, Formerly 10D-54.27, 10D-54.027, Amended 7-5-95, _____.

5E-13.030 State Aid Basis and Availability.

(1) A district or county shall be eligible to receive state funds on a dollar-for-dollar matching basis not to exceed \$120,000 ~~\$30,000~~ for any one county for any one year provided they meet the requirements of Section 388.261(4), Florida Statutes. Tentative allocations and payments shall be made on the basis of local funds budgeted. If total expenditures of local funds of a district or county for the year are under \$120,000 ~~\$30,000~~ and are less than the budgeted sum, a minus adjustment shall be made in the allocation ~~and the payment of state funds in the manner described in Rule 5E-13.030(2), F.A.C.~~

(2) A county or district shall, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount not to exceed \$50,000 ~~\$30,000~~ per year for up to 3 years provided the district or county has a new ~~or expanded~~ mosquito control program which serves an area not previously served by the county or district. The total state funding provided for an expanded district will be calculated using the fund allocation formula applied to existing programs, but shall not be more than \$50,000 annually. As with existing programs, following the receipt and review of a district or county annual financial budget submitted in compliance with Chapter 388.261, F.S., the amount of state funds earned by a district or county for that fiscal year will be based on the amount legislatively authorized and released by the Executive Office of the Governor.

~~(3) In addition to all other state funds, every approved mosquito control agency shall be eligible to receive Mosquito Control/Waste Tire Abatement Grant funds as set forth in Section 403.709(2)(c), Florida Statutes, these funds are to be~~

~~used for the specific purpose of abating and providing mosquito control relating to waste tire sites, other waste debris sites and similar sites identified by local mosquito agencies as mosquito breeding areas. Each county with a mosquito control program like that described above shall receive a minimum of \$15,000. Any remaining funds shall be distributed to participating counties on the basis of county population. If more than one local mosquito control district exists in a county, the funds shall be prorated between the districts based on the population served by each district.~~

~~(3)(4) For purpose of budgeting state funds in any fiscal year districts or counties shall calculate amounts of state funds available to them based on estimates provided by the department. Tentative allocations and payments shall be made on the basis of matchingable local funds budgeted.~~

~~(4)(5) Following receipt and review of a district or county certified budget annual financial report submitted in compliance with Chapter 388.271(1), F.S. Rule 5E-13.029(2), F.A.C. the amount of state funds earned by a district or county for that fiscal year shall be determined by the department based on release of funds by the Executive Office of the Governor. That amount is arrived at by dividing the total money appropriated by the number of participating counties or districts. Any eligible county or district budgeting an amount less than that calculated, will have its share reduced to an amount equivalent to that budgeted. Additional funds made available by such a reduction will be divided evenly between the remaining counties or districts. Any over or under allocation of funds will be considered in computing state funds payable to the district or county the succeeding fiscal year. Districts or counties shall be notified of such adjustments in amount of funds to be allocated and if necessary shall amend amount of state funds budgeted. The department shall determine the amount of state funds available following receipt and approval of certified budgets for fiscal year beginning October 1. Following the determination of funds available, if necessary, the department shall make an adjustment in amounts of money payable to the district or counties in the last 3 quarters of current fiscal year. Districts or counties shall be notified of the amount of money payable to them and if necessary shall amend amounts of state funds budgeted.~~

~~(5)(6) The amount of state funds available to a district or county for any fiscal year shall be paid in quarterly installments.~~

Specific Authority 388.361 FS. Law Implemented 388.261 FS. History--New 1-1-77, Formerly 10D-54.30, 10D-54.030, Amended 3-14-94, _____.

5E-13.031 District or County Use of Funds.

(1) When purchasing equipment with state funds ~~Prior to advertising for the purchase of equipment with state funds~~, the district or county shall jointly determine with the department the type and size of equipment necessary to perform the work planned. The district or county shall submit complete specifications to the department for all equipment to be purchased when the cost

will exceed ~~twenty-five~~ ~~six~~ thousand (\$25,000) ~~(\$6,000)~~ dollars per unit and the purchase deviates from the approved detailed work plan, and shall receive an approved copy of said specifications before advertising for bids.

(2) through (3) No change.

(4) Proceeds from sale or rental of property purchased with ~~district county or~~ state funds shall be deposited and credited to State funds.

(5) through (6) No change.

(7) Local and state funds shall be deposited in banks designated as depositories of public funds in accordance with provisions of Section ~~658.60~~ ~~659.24~~, F.S.

Specific Authority 388.361 FS. Law Implemented ~~388.231~~, 388.281 FS. History–New 1-1-77, Formerly 10D-54.31, 10D-54.031, Amended 3-14-94, _____.

5E-13.032 Program Directors, Employment and Classification.

(1) through (3) No change.

(4) The following minimum director classifications are based upon amount of local funds budgeted for the fiscal year in which they are initially employed and for which they assume responsibilities of administration.

(a) Director I –

Local budget ~~\$30,000.00~~ ~~40,000.00~~ to ~~\$249,999.99~~ ~~39,999.99~~.
State aid ~~\$15,000.00~~ to ~~\$24,999.99~~.

Minimum qualifications for Director I position:

High school graduate with minimum of three (3) years of training and field experience in control of mosquitoes, or three (3) years experience in managing a comparable program, or a graduate of four (4) year college or university with a degree in the basic sciences or engineering.

(b) Director II –

Local budget ~~\$250,000.00~~ ~~40,000~~ to ~~\$999,999.99~~.
State aid ~~\$25,000~~ to ~~\$49,999.99~~.

Minimum qualifications for Director II position:

Graduate of four (4) year college or university with a degree in the basic sciences or engineering. Requirements for college degree shall be waived upon proof of a satisfactory work experience record of four (4) years duration directing or assisting in directing a work program in the mosquito or arthropod control field of comparable size and budget to that of the District or County were the application is pending.

(c) Director III –

Local budget ~~\$1,000,000.00~~ and over.
State aid ~~\$50,000.00~~ and over.

Minimum qualifications for Director III position: Graduate of four (4) year college or university with a degree in the basic sciences or engineering and two years work experience in mosquito control.

(5) When a mosquito control program director’s position is to be filled, the applicant shall take and pass a written examination prior to appointment or within six months of employment.

(6) This proposed subsection is deleted.

Specific Authority 388.361 FS. Law Implemented 388.162 FS. History–New 1-1-77, Formerly 10D-54.32, Amended 2-10-87, Formerly 10D-54.032, Amended 3-14-94, 7-5-95, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE CHANGE IS: Steven Dwinell, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-7447

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

| | |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 5E-13 | Mosquito Control Program Administration |
| RULE NOS.: | RULE TITLES: |
| 5E-13.034 | Penalty for Failure to Comply with Public Law 92-516, the Federal Insecticide, Fungicide, and Rodenticide Act(FIFRA) of the U.S. Environmental Protection Agency and their Rules |
| 5E-13.035 | Intent |
| 5E-13.036 | Demonstrable Increase or Other Indicator of Arthropod Population Level |
| 5E-13.037 | Aircraft Application for the Control of Adult Arthropods |
| 5E-13.039 | Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public |
| 5E-13.040 | Criteria for Licensure or Certification of Applicators |

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed rulemaking to the above rule, as noticed in Vol. 30, No. 7, February 13, 2004, Florida Administrative Weekly, has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.0065
 RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States

NOTICE OF CORRECTION

The above proposed rule was published in the April 16, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 16, on page 1606. The rule number listed was Rule 61G7-33.0065, F.A.C., and should have read Rule 61H1-33.0065, F.A.C. The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: John Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.001
 RULE TITLE: Acupuncture Program Requirements

NOTICE OF PUBLIC HEARING

The Department of Health, Board of Acupuncture, hereby gives notice of a public hearing on the above-referenced rule to be held on Friday, June 18, 2004, at 9:00 a.m. or shortly thereafter, at Wyndham Miami Airport, 3900 N. W. 21st Street, Miami, Florida 33142, (305)871-3800. The rule was originally published in Vol. 30, No. 6, of the February 6, 2004, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need

a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.0086
 RULE TITLE: Citations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 52, December 26, 2003, Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE NOS.: 68B-4.002, 68B-4.018
 RULE TITLES: Gear Definitions, Boca Grande Pass Gear Restrictions

NOTICE OF CHANGES

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68B-4.002, F.A.C., and proposed new Rule 68B-4.018, F.A.C., relating to gear restrictions applicable in Boca Grande Pass, as published in the March 12, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 11, pages 1106-1107. The only change is to include a proposed effective date for each rule of July 1, 2004. The rules, with the proposed effective dates, are as follows:

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 (18) renumbered (2) through (19) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 7-1-04.

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 (261 43.216= North Latitude, 821 15.517= West Longitude) on the southeast bay side of Gasparilla Island; thence proceed due east on a straight line to the westernmost edge of the intracoastal waterway (261 43.216= North Latitude, 821 14.703= West Longitude); thence proceed in a southerly

direction to the #75 Intracoastal Waterway Marker (261 42.299= North Latitude, 821 14.580= West Longitude) on the northeast bay side of Cayo Costa; thence proceed around the northern tip of Cayo Costa along the shore to the QR test buoy (261 42.002= North Latitude, 821 15.448= West Longitude) on the northwest Gulf coast side of Cayo Costa; thence proceed westerly on a straight line to the #12 red buoy (261 42.336= North Latitude, 821 16.748= West Longitude) marking the entrance to Boca Grande Pass; thence proceed northeast on a straight line to the easternmost edge of the concrete pier ruins (261 43.165= North Latitude, 821 15.778= West Longitude) at the lighthouse beach on the southwest Gulf side of Gasparilla Island; thence proceed along the shore around the southern tip of Gasparilla Island to the Phosphate Dock, the point of beginning.

(2) In Boca Grande Pass, during the months of April, May, and June each year:

(a) A maximum of three fishing lines may be deployed from a vessel at any one time.

(b) No person shall use, fish with, or place in the water any breakaway gear.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-32.005
 RULE TITLE: Boca Grande Pass Designated Boundaries

NOTICE OF CHANGES

The Fish and Wildlife Conservation Commission announces a change to the proposed repeal of Rule 68B-32.005, F.A.C., relating to tarpon gear restrictions applicable in Boca Grande Pass, as published in the March 12, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 11, page 1107. The only change is to include a proposed effective date for the repeal of July 1, 2004. The rule repeal, with the proposed effective date, reads as follows:

68B-32.005 Boca Grande Pass Designated Boundaries; Seasonal Restrictions.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-28-04, Repealed 7-1-04.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 535, WILD 8'S
 RULE NO.: 53ER04-22
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 535, "WILD 8'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-22 Instant Game Numbers 535, WILD 8'S.

(1) Name of Game. Instant Game Number 535, "WILD 8'S."

(2) Price. WILD 8'S lottery tickets sell for \$1.00 per ticket.

(3) WILD 8'S lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning WILD 8'S lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any WILD 8'S lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

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

| | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| ONE | TWO | THR | FOR | FIV | SIX |
| 7 | | 9 | 10 | 11 | 12 |
| SVN | | NIN | TEN | ELV | TLV |
| 13 | 14 | 15 | 16 | 17 | 19 |
| TRT | FRN | FTN | SXT | SVT | NTN |



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

| | | | | | |
|----------------|----------------|---------------|---------------|---------------|----------------|
| TICKET | \$1.00 | \$2.00 | \$4.00 | \$5.00 | \$10.00 |
| TICKET | ONE | TWO | FOUR | FIVE | TEN |
| \$25.00 | \$50.00 | \$100 | \$888 | | |
| THY FIV | FIFTY | ONE HUN | 8HUN88 | | |

(6) The legends are as follows:

- GAME 1
- GAME 2
- GAME 3
- GAME 4

(7) Determination of Prizewinners. There are four games on a WILD 8'S lottery ticket. Players may win in more than one game.

(a) A ticket having three like numbers in the play area of one game shall entitle the claimant to the corresponding prize shown for that game. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, and \$888. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a WILD 8'S lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having an "WIN" symbol in the play area of any game shall entitle the claimant to the corresponding prize shown for that game.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 535 are as follows:

| GAME PLAY | WIN | ODDS OF | NUMBER OF |
|-------------------------|--------|------------|-----------------|
| \$1 TICKET | TICKET | 1 IN | WINNERS IN |
| | | | 56 POOLS OF |
| | | | 180,000 TICKETS |
| | | | PER POOL |
| \$1 | \$1 | 10.00 | 1,008,000 |
| \$2 | \$2 | 15.00 | 672,000 |
| \$1 x 4 | \$4 | 25.00 | 403,200 |
| \$1 + (\$2 x 2) | \$5 | 100.00 | 100,800 |
| \$5 ("8") | \$5 | 150.00 | 67,200 |
| (\$2 x 3) + \$4 | \$5 | 75.00 | 134,400 |
| \$10 ("8") | \$10 | 300.00 | 33,600 |
| (\$5 x 3) + \$10 | \$10 | 300.00 | 33,600 |
| \$5 + (\$10 x 2) | \$25 | 900.00 | 11,200 |
| \$25 ("8") | \$25 | 1,800.00 | 5,600 |
| \$5 + (\$10 x 2) + \$25 | \$25 | 400.00 | 25,200 |
| \$25 x 2 | \$50 | 3,600.00 | 2,800 |
| \$50 ("8") | \$50 | 7,200.00 | 1,400 |
| \$25 x 4 | \$50 | 1,440.00 | 7,000 |
| \$50 x 2 | \$100 | 134,400.00 | 75 |
| \$100 ("8") | \$100 | 134,400.00 | 75 |
| \$888 | \$888 | 31,015.38 | 325 |
| | | 201,600.00 | 50 |

(9) The estimated overall odds of winning some prize in Instant Game Number 535 are 1 in 4.02. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 535, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a WILD 8'S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(12) Payment of prizes for WILD 8'S lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 4-16-04.

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

EFFECTIVE DATE: April 16, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 532, "RED HOT BINGO" 53ER04-23
 RULE NO.: 53ER04-23
 SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 532, "RED HOT BINGO" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, and number of prizes in the game.
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-23 Instant Game Number 532, "RED HOT BINGO."

(1) Name of Game. Instant Game Number 532, RED HOT BINGO.

(2) Price RED HOT BINGO lottery tickets sell for \$2.00 per ticket.

(3) RED HOT BINGO lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning RED HOT BINGO lottery ticket, a combination of essential elements

sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any RED HOT BINGO lottery ticket, or as to the prize amount, the Void if Removed Number under the latex shall prevail over the bar code.

(4) The "CALLER'S CARD" play symbols are as follows:

| | | | | | | |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | ^B | ^B | ^B | | | |
| | 01 | 02 | 03 | | | |
| ^B | ^B | ^B | ^B | ^B | ^B | ^B |
| 04 | 05 | 06 | 07 | 08 | 09 | |
| ^B | ^B | ^B | ^B | ^B | ^B | ^B |
| 10 | 11 | 12 | 13 | 14 | 15 | |
| ^I | ^I | ^I | ^I | ^I | ^I | ^I |
| 16 | 17 | 18 | 19 | 20 | 21 | |
| ^I | ^I | ^I | ^I | ^I | ^I | ^I |
| 22 | 23 | 24 | 25 | 26 | 27 | |
| ^I | ^I | ^I | ^N | ^N | ^N | ^N |
| 28 | 29 | 30 | 31 | 32 | 33 | |
| ^N | ^N | ^N | ^N | ^N | ^N | ^N |
| 34 | 35 | 36 | 37 | 38 | 39 | |
| ^N | ^N | ^N | ^N | ^N | ^N | ^N |
| 40 | 41 | 42 | 43 | 44 | 45 | |
| ^G | ^G | ^G | ^G | ^G | ^G | ^G |
| 46 | 47 | 48 | 49 | 50 | 51 | |
| ^G | ^G | ^G | ^G | ^G | ^G | ^G |
| 52 | 53 | 54 | 55 | 56 | 57 | |
| ^G | ^G | ^G | ^O | ^O | ^O | ^O |
| 58 | 59 | 60 | 61 | 62 | 63 | |
| ^O | ^O | ^O | ^O | ^O | ^O | ^O |
| 64 | 65 | 66 | 67 | 68 | 69 | |
| ^O | ^O | ^O | ^O | ^O | ^O | ^O |
| 70 | 71 | 72 | 73 | 74 | 75 | |

(5) The player's cards play symbols are as follows:

| | | | | | |
|----|----|----|----|---------------|---------------|
| 01 | 02 | 03 | 04 | 05 | 06 |
| 07 | 08 | 09 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | 32 | 33 | 34 | 35 | 36 |
| 37 | 38 | 39 | 40 | 41 | 42 |
| 43 | 44 | 45 | 46 | 47 | 48 |
| 49 | 50 | 51 | 52 | 53 | 54 |
| 55 | 56 | 57 | 58 | 59 | 60 |
| 61 | 62 | 63 | 64 | 65 | 66 |
| 67 | 68 | 69 | 70 | 71 | 72 |
| | 73 | 74 | 75 | ^{FR} | ^{EE} |

(6) Determination of Prizewinners.

(a) There are four player's cards numbered 1 through 4 and one Caller's Card on each RED HOT BINGO ticket. A "FREE" space will appear in the center of each player's card. A "FREE" space can substitute as a number in a pattern of which it is a part.

(b) A ticket whose numbers on one of the player's cards match the Caller's Card numbers in one of the following patterns shall entitle the claimant to the prize shown for that pattern on that card:

1. Horizontal line of five numbers (or four numbers and one "FREE" space).
2. Vertical line of five numbers (or four numbers and one "FREE" space).
3. Diagonal line of four numbers and one "FREE" space.
4. Four corners (consisting of four numbers).
5. "X" (consisting of eight numbers and one "FREE" space).

Prizes that appear in the player's cards area are: FREE TICKET, \$3, \$10, \$25, \$50, \$100, \$150, \$200, \$250, \$500, and \$10,000. Prize amounts for a particular pattern are different on each player's card.

(7) Players may win on one or more player's cards per ticket; however, players may not win more than one prize on each player's card.

(8) A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a RED HOT BINGO lottery ticket that entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 532 are as follows:

| GAME PLAY | WIN | ODDS OF | NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL |
|---|-------------------|--------------|---|
| LINE - CARD 1 | \$2 TICKET | 11.54 | 436,800 |
| LINE - CARD 2 | \$3 | 8.33 | 604,800 |
| LINES - CARD 1, 2 | \$3 + \$2 TICKET | 150.00 | 33,600 |
| LINE - CARD 3 | \$10 | 18.75 | 268,800 |
| LINES - CARD 1, 3 | \$10 + \$2 TICKET | 150.00 | 33,600 |
| 4 CORNERS - CARD 1 | \$25 | 300.00 | 16,800 |
| LINE - CARD 4 | \$25 | 300.00 | 16,800 |
| LINES - CARD 1, 2, 4 | \$28 + \$2 TICKET | 4,000.00 | 1,260 |
| LINES - CARD 1, 2, 3, 4 | \$38 + \$2 TICKET | 4,800.00 | 1,050 |
| 4 CORNERS - CARD 2 | \$50 | 6,000.00 | 840 |
| 4 CORNERS - CARD 3 | \$100 | 40,000.00 | 126 |
| "X" - CARD 1 | \$150 | 100,800.00 | 50 |
| 4 CORNERS - CARDS 1, 3 + LINE - CARD 4 | \$150 | 100,800.00 | 50 |
| 4 CORNERS - CARD 2 + "X" - CARD 1 | \$200 | 100,800.00 | 50 |
| 4 CORNERS - CARD 4 | \$200 | 504,000.00 | 10 |
| 4 CORNERS - CARDS 1, 2, 3 + LINE - CARD 4 | \$200 | 504,000.00 | 10 |
| "X" - CARD 2 | \$250 | 315,000.00 | 16 |
| "X" - CARD 3 | \$500 | 504,000.00 | 10 |
| "X" - CARD 4 | \$10,000 | 1,260,000.00 | 4 |

(10) The estimated overall odds of winning some prize in Instant Game Number 532 are 1 in 3.56. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 532, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for RED HOT BINGO lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 4-16-04.

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

EFFECTIVE DATE: April 16, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Bryan H. Bice on April 20, 2004, a petition for Waiver of Rule 11B-20.0018, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer/instructor renew certification every four years.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Michael Veina on April 20, 2004, a petition for Waiver of Rule 11B-20.0018, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer/instructor renew certification every four years.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Boyd Johnson on April 20, 2004, a petition for Waiver of paragraph 11B-27.00213(40)(b), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the statutory requirement that officers may only have one lifetime temporary employment authorization.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Kimberly Collins on April 20, 2004, a petition for Waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certification requirements for EMT/Paramedics teaching Basic Recruit First Responder.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Glen Tegg on April 20, 2004, a petition for Waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certification requirements for EMT/Paramedics teaching Basic Recruit First Responder.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Nadyra Ingram on April 20, 2004, a petition for Waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certification requirements for EMT/Paramedics teaching Basic Recruit First Responder.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Clifton Duy on April 20, 2004, a petition for Waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certification requirements for EMT/Paramedics teaching Basic Recruit First Responder.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Thomas Marsh on April 20, 2004, a petition for Waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certification requirements for EMT/Paramedics teaching Basic Recruit First Responder.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Michael Corby on April 20, 2004, a petition for Waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certification requirements for EMT/Paramedics teaching Basic Recruit First Responder.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Brian Autrey on April 20, 2004, a petition for Waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certification requirements for EMT/Paramedics teaching Basic Recruit First Responder.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Jeffrey Taylor on April 20, 2004, a petition for Waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certification requirements for EMT/Paramedics teaching Basic Recruit First Responder.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Nick Sciarro on April 20, 2004, a petition for Waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certification requirements for EMT/Paramedics teaching Basic Recruit First Responder.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-057 DAO-ROW), on April 14, 2004, to Richard A. Aron. The amended petition for waiver was received by the SFWMD on January 13 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 5, on January 30, 2004. No public comment was received.

This Order provides a waiver for the proposed construction of a boat dock within the north right of way of the Golden Gate Main Canal at the rear of 3775 Recreation Lane, Naples, Florida; S33/T49S/R26E, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported docking facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Richard A. Aron from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-058 DAO-ROW), on April 14, 2004, to the Florida Department of Transportation (FDOT). The petition for waiver was received by the SFWMD on February 5, 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 9, on February 27, 2004. No public comment was received.

This Order provides a waiver for the proposed installation of three (3) traffic signal mast poles/arms within the north right of way of C-6 along Okeechobee Road in conjunction with the Okeechobee Roadway Improvements Project; S11/T530S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j) and subsection 40E-6.011(4), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank and within the District's designated 100 foot long equipment staging areas located at all bridge and pile-supported utility crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the FDOT from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-059 DAO ROW), on April 14, 2004, to Angela Monterosso. The petition for waiver was received by the SFWMD on January 7, 2004. Notice of receipt of the petition requesting waiver was published in the Florida Administrative Weekly, Vol. 30, No. 4, on January 23, 2004. No public comment was received.

This Order provides a waiver for the proposed construction of a 15 foot swing gate crossing the west right of way of the FAKA Union Canal at the northerly lot line extended adjacent

to 3880 22nd Avenue; S12/T48S/R27E, Collier County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications with the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground structures within forty feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from subject rule would prevent Angela Monterosso from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-060 DAO ROW), on April 14, 2004, to Grady and Carla Smith. The petition for waiver was received by the SFWMD on November 5, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 47, on November 21, 2003. No public comment was received.

This Order provides a waiver for the existing dock with slip and roof structures, rip-rap revetment and trees within the south right of way of the C-43 Canal at the rear of 4400 Fort Denaud Road to remain; S15/T43S/R28E, Hendry County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for the Works or Lands of the District Permit Applications with the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported docking facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would not prevent Grady and Carla Smith from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

DEPARTMENT OF ELDER AFFAIRS

NOTICE IS HEREBY GIVEN that on April 12, 2004, the Department of Elder Affairs received a Petition for Variance or Waiver of subsection 58A-5.021(8), F.A.C., from Miami-Dade County. The Petitioner requests a waiver from the requirements to obtain and maintain liability insurance to operate its assisted living facility known as Helen Sawyer Plaza.

A copy of the Petition can be obtained from: Susan Avellone, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000.

The Department will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received by 5:00 p.m., on the 14th day at the Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000, Attn: Susan Avellone.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on October 16, 2003, by Patricia Serley of Otis Elevator Aqua Vista Condominium, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Samuel Zfaz, D.D.S. The Notice of Petition for Waiver or Variance was published in Vol. 30, No. 10, of the March 5, 2004, Florida Administrative Weekly. The Board of Dentistry considered the Petition at its meeting held on March 26, 2004. The Board's Order, filed on April 7, 2004, grants the petition for waiver finding that the failure to obtain the required Dean's letter does not circumvent or otherwise obviate the intention of subsection 64B5-2.0146(2), F.A.C., or the statute it implements.

A copy of the Board's Order may be obtained by contacting: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3758.

The Board of Nursing Home Administrators hereby gives notice that it has received a petition, filed on April 15, 2004, from the Skilled Medical Rehabilitation Center at Florida Institute for Neurologic Rehabilitation, Inc. and Stephen Tulman, seeking a variance of Rule 64B10-16.003, F.A.C., with respect to the bed capacity requirements in a training program facility.

Comments on this petition should be filed with the Board of Nursing Home Administrators, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

For a copy of the petition, contact: Danna Droz, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on April 14, 2004, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.010(4), F.A.C., from Lakeshore Apartments, LLC (the "Petition"), seeking a variance of the Rule that provides, in part, that the loan shall be repaid from all Development Cash Flow.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on April 14, 2004, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.010(4), F.A.C., from Sawgrass Pines, LLC. (the "Petition"), seeking a variance of the Rule that provides, in part, that the loan shall be repaid from all Development Cash Flow.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.,

Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on April 14, 2004, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.010(4), F.A.C., from Hunter's Run, LLC (the "Petition"), seeking a variance of the Rule that provides, in part, that the loan shall be repaid from all Development Cash Flow.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on April 20, 2004, Florida Housing Finance Corporation received a Petition for Waiver from the Reporting Requirements, Audited Financials for Years Prior to 2004, and Request to Replace the General Partner, from BCCC, Inc. (the "Petition"), seeking a variance of subsections 67-48.006(6), 67-48.006(7), paragraph 67-48.010(6)(a) and subsections 67-48.002(3), 67-48.004(14), Fla. Admin. Code.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has received a petition from Rick Rawlins, Ron Rawlins, and James Hillman ("applicants") for a variance from the Volusia County manatee protection rule (Rule 68C-22.012, Florida Administrative Code). The petition was received by the Commission on March 30, 2004, and seeks authorization to allow the applicants to conduct professional fishing guide activities year-round at

speeds greater than allowed by the rule on the Norris Dead River / Ziegler Dead River system and other portions of the St. Johns River and associated waterways.

Copies of the petition may be received from and written comments submitted to: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (DOW-BPS), 620 South Meridian Street, Tallahassee, FL 32399-1600. Comments regarding the petition will be accepted for no less than 14 days from the date of publication of this notice.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

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

PLACE: Delray Beach, Florida in conjunction with the Florida Trust for Historic Preservation Annual Conference

The **Florida Historical Commission** announces a meeting to which all persons are invited.

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

PLACE: Crest Theater, Old School Square, 51 North Swinton Avenue, Delray Beach, Florida 33444

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Historical Commission and to conduct a town meeting and receive input.

DEPARTMENT OF LEGAL AFFAIRS

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

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

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

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

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

DATE AND TIME: Wednesday, May 12, 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 Women's Hall of Fame Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited to participate.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

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

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

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

DATE AND TIME: May 13, 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 Awards and Recognition Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited to participate.

DATE AND TIME: May 13, 2004, 3:00 p.m.

PLACE: Call (850)414-3300 for information on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

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

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

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

DATE AND TIME: Thursday, May 20, 2004, 8:30 a.m. – 5:30 p.m.

PLACE: Double Tree Hotel Tallahassee, 101 South Adams Street, Leon Room, Tallahassee, Florida 32301, (850)224-5000
GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda, call: Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing, at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: May 12, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: Room Belmont A, Steinbrenner's Ramada Inn & Conference Center, Ocala, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss current and proposed Council programs and budget issues.

Additional information may be obtained by writing: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours in advance by contacting Ms. O'Neil at the number above.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Viticulture Advisory Council:

DATES AND TIMES: Monday, May 3, 2004, 1:00 p.m.; Tuesday, May 4, 2004, 9:00 a.m.

PLACE: Highlands County Extension Office, 4509 George Blvd., Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings and Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Viticulture Advisory Council.

For additional information or if you need special accommodations, call: Richard Menendez, (850)488-4277.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Agriculture Center and Horse Park Authority, Inc.

DATE AND TIME: Wednesday, May 19, 2004, 10:00 a.m.

PLACE: Horse Park Site, 11008 S. Hwy. 475, Ocala, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting. The purpose of this meeting is to conduct the general business of the Florida Agriculture Center & Horse Park Authority, Inc.

For additional information or if you need special accommodations, call: Richard Gunnels, (850)488-3022.

DEPARTMENT OF EDUCATION

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

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

PLACE: Florida Atlantic University, Boca Raton Campus, 777 Glades Road, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: University/Trustee Business.

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda. Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: May 13, 2004, 2:00 p.m. – 5:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, 777 Glades Road, Campus Operations Building #110, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-673 Alzheimer's Center.

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator, Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, AD Bldg., Rm 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT 1(800)955-8770.

The **State University Presidents Association** announces a meeting to which all persons are invited:

DATE AND TIME: Tuesday, May 18, 2004, 10:00 a.m.

PLACE: 4th Floor, Orly-Gatwick Room, Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget, Legislation, Other Business.

A copy of the agenda may be obtained by contacting: University of Central Florida, President's Office, (407)823-2484

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 as soon as possible and at least 48 hours before the meeting by contacting: Ms. Sandra Cherepow, (407)823-2484.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: May 13, 2004, 10:00 a.m. (EST)

PLACE: Gulf/Franklin Center, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting is Dr. Robert L. McSpadden, President.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District Six announces a public hearing to which all interested persons are invited.

DATE AND TIME: May 25, 2004, 6:00 p.m.

PLACE: Medley Town Hall, 7331 N. W. 74 Street, Medley, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects outlined in the N. W. 87th Avenue Project Development and Environmental Study, FM Number: 405615-1, Federal Aid Number – Not Assigned. The limits of the project corridor are from just south of N. W. 58th Street in unincorporated Miami-Dade County to just north of N. W. 103rd Street in Hialeah Gardens, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below, e-mail vilma.croft@dot.state.fl.us or call telephone number (305)470-5240.

Special accommodation requests under the Americans with Disabilities Act of 1990 should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Vilma Croft, P.E., FDOT Project Manager, Florida Department of Transportation, District VI, 1000 N. W. 111th Avenue, Room 6103, Miami, Florida 33172.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

NOTICE OF CANCELLATION – The **Department of Citrus** announces the cancellation of a public meeting of the Fresh Domestic Grapefruit Advisory Council which was to be held as follows:

DATE AND TIME: Monday, April 19, 2004, 10:00 a.m.
PLACE: Indian River Citrus League, 7925 20th Street, Vero Beach, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee was to meet to hear staff recommendations for 2004/05 programs and to discuss any other business that might come before the council for consideration.

NOTICE OF CANCELLATION – The **Department of Citrus** announces the cancellation of a public meeting of the Fresh Orange and Specialty Advisory Council which was to be as follows:

DATE AND TIME: Tuesday, April 20, 2004, 1:00 p.m.
PLACE: Florida’s Natural Grove House, 20160 US Hwy. 27, Lake Wales, FL 33853-2425
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee was to meet to review program recommendations for 2004-05 season and to discuss any other business which may appropriately come before the council.

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, May 11, 2004, 9:00 a.m.
PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review progress of research in relation to the Harvesting Program, to review proposals for research funding for FY 2004-2005, determine projects to recommend funding to the Florida Citrus Commission and to discuss other business that might come before the council for consideration.

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.

The **Department of Citrus** announces a public meeting of the Fresh Orange and Specialty Advisory Council to which all persons are invited.

DATE AND TIME: Thursday, May 13, 2004, 9:00 a.m.
PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL 33801
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review program recommendations for 2004-05 season and discuss any other business which may appropriately come before the council.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Fresh Domestic Grapefruit Advisory Council to which all persons are invited.

DATE AND TIME: Friday, May 14, 2004, 2:30 a.m.
PLACE: Indian River Citrus League, 7925 20th Street, Vero Beach, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to hear staff recommendations for 2004/05 programs and discuss any other business that might come before the council for consideration.

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.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 19, 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.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a customer service hearing in the following docket, to which all interested persons are invited to attend.

DOCKET NO. 021256-WU: Application for certificate to provide water service in Volusia and Brevard Counties by Farnton Water Resources, LLC.

DATE AND TIME: Thursday, May 13, 2004, 6:00 p.m.

PLACE: City Council Chambers, New Smyrna Beach City Hall, 210 Sams Avenue, New Smyrna Beach, Florida

This service hearing will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearing may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit interested persons the opportunity to present testimony concerning the application for an original certificate to operate a water utility in Volusia and Brevard Counties by Farnton Water Resources, LLC. All witnesses shall be subject to cross examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the customer service hearing.

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 Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: May 17, 2004, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

* In the event of a scheduling conflict, this meeting may be rescheduled to May 18, 2004, in Room 140, immediately preceding or immediately following the Commission Conference.

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 031033-EI – Review of Tampa Electric Company’s 2004-2008 waterborne transportation contract with TECO Transport and associated benchmark.

DATE AND TIME: May 17, 2004, 1:30 p.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing 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 prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 021256-WU – Application for certificate to provide water service in Volusia and Brevard Counties by Farnton Water Resources, LLC.

DATE AND TIME: May 17, 2004, 1:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of

documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing 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 prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: May 18, 2004, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a prehearing conference and a hearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO. 040206-EI – Petition to determine need for Turkey Point Unit 5 electrical power plant, by Florida Power & Light Company.

PREHEARING CONFERENCE

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

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing 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 prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

HEARING

DATES AND TIME: Wednesday, June 2, 2004, 9:30 a.m.; Thursday, June 3, 2004, (The starting time of the second day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.)

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition to determine need for Turkey Point Unit 5 electrical power plant, by Florida Power & Light Company, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on May 19, 2004. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** hereby gives notice that a designated hearing officer of The State of Florida will hold public hearings to which all interested persons are invited to participate.

DATE AND TIME: Friday, May 14, 2004, 11:00 a.m., local time

PLACE: The Capitol, Room 1902, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearings will be held with respect to (i) a plan by the Highlands County Health Facilities Authority to issue its Revenue Bonds (Adventist Health System/Sunbelt) in an aggregate principal amount not to exceed \$1,390,000,000 with respect to facilities in Florida, in one or more series over the longest period permitted by law, (ii) a plan by the Orange County Health Facilities Authority to issue its Revenue Bonds (Adventist Health System/Sunbelt) in an aggregate principal amount not to exceed \$1,390,000,000 with respect to facilities in Florida, in one or more series over the longest period permitted by law, (iii) a plan by the Colorado Health Facilities Authority to issue its Revenue Bonds (Adventist Health System/Sunbelt) in an aggregate principal amount not to exceed \$1,390,000,000 with respect to facilities in Florida, in one or more series over the longest period permitted by law, and (iv) a plan by the Highlands County Health Facilities Authority to issue its Revenue Bonds (Adventist Health System/Sunbelt, Inc. Accounts Receivable Program), in an aggregate principal amount not to exceed \$1,390,000,000 with respect to facilities in Florida, in one or more series over the longest period permitted by law. The proceeds of the Bonds issued under each of such plans will be used to (a) finance, refinance, or reimburse each of the corporations listed below as owner, operator or manager for its prior payment of, the costs of acquiring, constructing, renovating and equipping certain health care facilities at the locations listed below, (b) provide one or more debt service reserve funds for the benefit of all or a portion of the Bonds, if deemed necessary or desirable, (c) pay a portion of the interest to accrue on the Bonds, if deemed necessary or desirable, (d) pay certain working capital expenditures, if deemed necessary or desirable, and (e) pay certain costs of issuance of the Bonds, including the costs of any credit or liquidity enhancement thereof.

The proceeds of the Bonds will be used to finance, refinance or reimburse the costs of acquiring, constructing, improving or renovating the facilities (including related land costs) listed below and the costs of acquiring and installing equipment (including, but not limited to, medical equipment, computer equipment, office equipment and general building equipment and fixtures) to be used at the facilities listed below. The initial owner, operator or manager, a general functional description, and the location of each such facility, and the estimated maximum aggregate principal amount of Bonds to be issued with respect to each such facility are listed below.

- A. Facilities owned, operated or managed by Adventist Health System/Sunbelt, Inc., a Florida not-for-profit corporation ("Sunbelt"):
 1. Florida Hospital/Orlando, an 882-bed acute care hospital located at 601 East Rollins Street, Orlando, Florida and the related land, parking garages, office buildings, college of health science buildings, warehouses and other buildings located on the Florida Hospital/Orlando hospital campus bordered generally by Wilkinson Street and Westchester Avenue on the north, Orange Avenue on the west, Princeton Street on the south and Mills Avenue (Highway 17-92) on the east (excluding 2201, 2800 and 2905 McRae Avenue, 600, 700, 726 and 732 Wilkinson Street, 2916 Sanitarium Avenue, 2800, 2901, 2909 and 2921 N. Orange Avenue, 710 Rollins Street, as well as the property encompassing Lockhaven Park and Art Center, the Orlando Science Center and the Orange County Historical Museum) which campus includes the following mailing addresses: 2212 and 2228 North Alden Street, 2200-2414 Bedford Road, 500, 601 and 616 East Rollins Street, 525, 529 and 800 Lake Estelle Drive, 501 and 525 East King Street, 2905 Sanitarium Drive, 2402 Camden Street, 615 East Princeton Street, 2215-2423 McRae Avenue and 2201-2415 and 2501 North Orange Avenue, and, in addition, the properties located at 2500, 2520, 2604 and 2608 North Orange Avenue, Orlando, Florida – \$525,000,000;
 2. Florida Hospital/East Orlando, a 131-bed acute care hospital located at 7727 Lake Underhill Drive, Orlando, Florida – \$94,000,000;
 3. Florida Hospital/Apopka, a 50-bed acute care hospital located at 201 North Park Avenue, Apopka, Florida – \$12,000,000;
 4. Warehouse located at 2135 Sprint Boulevard, Apopka, Florida – \$4,000,000;
 5. Florida Hospital/Altamonte, a 258-bed acute care hospital and related medical office building located at 601 and 661 East Altamonte Drive, Altamonte Springs, Florida – \$120,000,000;
 6. Florida Hospital/Kissimmee, a 50-bed acute care hospital located at 200 Hilda Street, Kissimmee, Florida – \$11,000,000;
 7. Celebration Health, a 100-bed acute care hospital located at 400 Celebration Place, Celebration, Florida – \$35,000,000;
 8. Winter Park Memorial Hospital, a 297-bed acute care hospital located at 200 North Lakemont Avenue, Winter Park, Florida – \$30,000,000; and
 9. Florida Hospital/Lake Placid, a 50-bed acute care hospital located at 1210 U.S. Highway 27 North, Lake Placid, Florida – \$8,000,000;

10. Florida Hospital Heartland Medical Center, a 111-bed acute care hospital located at 4200 Sun'N Lake Boulevard, Sebring, Florida – \$17,000,000;
 11. Florida Hospital/Wauchula, a 25-bed acute care hospital located at 533 West Carlton Street, Wauchula, Florida – \$3,000,000;
 12. East Pasco Medical Center, a 154-bed acute care hospital located at 7050 Gall Boulevard, Zephyrhills, Florida – \$44,000,000;
 13. A 52 acre tract of vacant land for future expansion, including medical clinics, offices and acute care facilities, located at 2528 Highway 581 South, Wesley Chapel, Florida – \$70,000,000; and
 14. A 24,000 square foot administrative data center, located at 1035 Greenwood Boulevard, Lake Mary, Florida – \$82,000,000.
- B. Facility owned by Florida Hospital Waterman, Inc., a Florida not-for-profit corporation: Florida Hospital/Waterman, a 204-bed acute care hospital, located at 1000 Waterman Way, Tavares, Florida – \$54,000,000.
- C. Facility owned by Southwest Volusia Healthcare Corporation, a Florida not-for-profit corporation: Florida Hospital Fish Memorial, a 139-bed acute care hospital and outpatient medical center located at 1055 Saxon Boulevard, Orange City, Florida – \$30,000,000.
- D. Facilities owned or to be owned, operated or managed by Memorial Health Systems, Inc., a Florida not-for-profit corporation:
1. Office building located at 770 West Granada Boulevard, Ormond Beach, Florida – \$125,000;
 2. Florida Hospital/Ormond Memorial, a 205-bed acute care hospital and office buildings located at 873-875 Sterthaus Drive, Ormond Beach, Florida – \$13,000,000;
 3. Office building located at 901-907 Sterthaus Drive, Ormond Beach, Florida – \$500,000; and
 4. Florida Hospital/Oceanside, a 119-bed acute care hospital located at 264 South Atlantic Avenue, Ormond Beach, Florida – \$1,500,000.
 5. A 135 acre tract of vacant land for future expansion, including medical clinics, offices and acute care facilities, located on the west side of Williamson Boulevard, approximately one mile south of the intersection of Grenada Boulevard (State Road 40) and Williamson Boulevard in Daytona Beach, Florida – \$200,000,000.
- E. Facility owned, operated or managed by Memorial Hospital—Flagler, Inc., a Florida not-for-profit corporation: Memorial Hospital/Flagler, an 81-bed acute care hospital located at 60 Memorial Medical Parkway, Palm Coast, Florida – \$10,000,000.
- F. Facility owned, operated or managed by Memorial Hospital—West Volusia, Inc., a Florida not-for-profit corporation: Florida Hospital/DeLand, a 156-bed acute care hospital located at 701 West Plymouth Avenue, DeLand, Florida – \$25,000,000.

The public hearings are required by Section 147(f) of the Internal Revenue Code of 1986, as amended. At such public hearings there will be an opportunity for persons to express their views concerning the foregoing. Anyone may appear in person at either of such public hearings or submit written comments to be considered thereat.

Additional information concerning the public hearings may be obtained from, and written comments should be addressed to: Christa Calamas, Assistant General Counsel, Office of Governor Jeb Bush, State of Florida, The Capitol, Suite 209, Tallahassee, Florida 32399-0001, (850)488-3494.

In accordance with the Americans with Disabilities Act (“ADA”), if any person with a disability as defined by the ADA needs special accommodations to participate in either of the public hearings, then not later than two (2) business days prior to the public hearing in Tallahassee, Florida, he or she should contact: Christa Calamas, (850)488-3494.

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: Monday, May 17, 2004, 1:00 p.m. (ET)

PLACE: 1211 N. Westshore Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor’s Advisory Council will be briefed on the results of the Community Update Briefs and discuss follow-on strategy.

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).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a meeting of the Nominating Committee to which all persons are invited.

DATE AND TIME: May 5, 2004, 12:00 p.m.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee.

Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings are made.

A copy of the agenda may be obtained by writing to: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **North Central Florida Regional Planning Council** announces the following meeting to which all persons are invited.

MEETING: North Central Florida (District 3) Local Emergency Planning Committee

DATE AND TIME: May 21, 2004, 9:30 a.m.

PLACE: University of Florida TREEO Center, 3900 S. W. 63rd Boulevard, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Local Emergency Planning Committee. A Shelter In-Place Train-the-Trainer class will be conducted as part of the meeting.

Any persons deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653. Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The Region V, Training Council will hold its **Bi-Annual Advisory Meeting** to which all interested persons are invited.

DATE AND TIME: May 26, 2004, 1:30 p.m.

PLACE: Higgins-Solomon Criminal Justice Center, Room #102, 2990 College Dr., St. Augustine, FL 32084 (The Center is located 3 miles east of I-95 on S.R. #16)

For an advance copy of the agenda, contact: Director Mark Stevens, Northeast Florida Criminal Justice Training and Education Center, (904)713-4900

The District Six, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited, as follows:

DATE AND TIME: Friday, May 14, 2004, 10:00 a.m.

PLACE: East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Local Emergency Planning Committee (LEPC) Meeting.

In the event that a quorum is not present, a workshop will be convened to discuss the business of the Committee.

A copy of the agenda and more information may be obtained by writing: Ms. Teri Hunalp, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, FL 32751, (407)623-1075, Ext.335.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, May 12, 2004, 9:00 a.m.

PLACE: Highlands County Agriculture Extension Building, 4509 West George Boulevard, Sebring, Florida 33871

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, May 12, 2004, 9:30 a.m.

PLACE: Highlands County Health Department Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: May 21, 2004, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of its Budget Personnel Committee.

DATE AND TIME: June 3, 2004, 9:30 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss Council's proposed budget for Fiscal Year 2004-2005.

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 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.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

Public Hearing

DATE AND TIME: May 3, 2004, 8:30 a.m.

PLACE: HARTline, County Center, 601 E. Kennedy Boulevard, Planning Commission Board Room, 18th Floor, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled Board of Directors Meeting

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED: 1. Call to order; 2. Approval of Minutes; 3. Introductions, Recognition and Awards; 4. Consumer Advisory Committee Report; 5. Public Comment on Action Items; 6. Consent Action Items; 7. Other Action Items; 8. Chairman's Report; 9. Reports from HART Representatives; 10. HART Committee Reports; 11. Other Board Member's Report; 12. Executive Director's Report; 13. Employee Comment; 14. General Public Comment; 15. Discussion and Presentations; 16. Monthly Information Reports; 17. Other Information Items; 18. Other Business.

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602-5829, (813)223-6831, Ext. 2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Lauren Skiver, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: May 13, 2004, 9:00 a.m.

PLACE: Fiddler's Restaurant, 1306 S. E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed sale of 461 acres +/- in the District's Sandlin Bay Tract, Columbia County, Florida to the United States Government, United States Department of Agriculture Forest Service.

DATE AND TIME: May 13, 2003, 2:00 p.m.

PLACE: Fiddler's Restaurant, 1306 S. E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Governing Board Workshop.

DATE AND TIME: May 14, 2003, 8:30 a.m.

PLACE: Fiddler's Restaurant, 1306 S. E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Governing Board 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, Adm./Board Coordinator, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following PROJECTS AND LAND COMMITTEE MEETING/WORKSHOP AND TOUR which may be conducted by means of or in conjunction with communications technology. All persons are invited.

Projects and Land Committee public meeting/workshop

DATE AND TIME: Thursday, May 6, 2004, 6:00 p.m.

Projects and Land Committee business meeting followed by a tour of pertinent projects and/or properties

DATE AND TIME: Friday, May 7, 2004, 8:00 a.m.

PLACE: Palm Coast Golf Resort, Ballrooms 1 & 2, 300 Clubhouse Drive, Palm Coast, FL 32137, A tour of District Projects

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Public Meeting/Workshop regarding District Programs and Projects.

Business meeting to consider Governing Board Project and Lands Committee agenda items. Tour to visit relevant projects and properties.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or calling Sonia Blake, Water Resources Department, (386)312-2330.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, May 11, 2004, 8:45 a.m., St. Johns River Water Management District Office, Highway 100, West, Palatka, Florida. In the event of a declared emergency or emergency conditions, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, May 11, 2004, 8:15 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, May 11, 2004, 8:45 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, May 11, 2004, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, May 11, 2004, 1:00 p.m.*

*This meeting may continue at 8:00 a.m. on the next consecutive day if not completed May 11, 2004.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion and consideration of District business including regulatory and non-regulatory matters.

RECONVENE PUBLIC HEARING ON RULE AMENDMENTS

DATE AND TIME: Tuesday, May 11, 2004 following regularly scheduled Governing Board/Regulatory meeting which begins at 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Reconvene Public Hearing to discuss proposed rule amendments regarding Water Management Lands Acquisition and Management, Chapter 40C-0, F.A.C.

A copy of the agenda may be obtained at the St. Johns River Water Management District website www.sjrwmd.com or by calling (386)329-4500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting: Ann Freeman, (386)329-4101.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

GREEN INDUSTRY ADVISORY COMMITTEE

DATE AND TIME: Thursday, May 6, 2004, 9:30 a.m.

PLACE: Department of Environmental Protection, 3804 Coconut Palm Drive, Conference Room A, Tampa, FL 33619

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community and Legislative Affairs Department, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

WITHLACOOCHEE RIVER BASIN BOARD MEETING (Note: This is a change of date from what was originally published in the year-long calendar.)

DATE AND TIME: Tuesday, May 11, 2004, 8:30 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

ALAFIA RIVER BASIN BOARD MEEETING (Note: This is a change of date and location from what was originally published in the year-long calendar.)

DATE AND TIME: Thursday, May 13, 2004, 9:00 a.m.

PLACE: Tampa Port Authority, 1101 Channelside Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

RULE DEVELOPMENT PUBLIC WORKSHOP

DATE AND TIME: Tuesday, May 13, 2004, 7:00 p.m.

PLACE: Keystone Civic Center, 17928 Gunn Highway, Odessa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public workshop on proposed minimum and guidance levels for eight lakes in Northwest Hillsborough County.

GOVERNING/BASIN BOARDS WORKSHOP

DATE AND TIME: Friday, May 14, 2004, 9:00 a.m.

PLACE: Brooker Creek Environmental Education Center, 3940 Keystone Road, Tarpon Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of water management topics of mutual interest.

MANASOTA BASIN BOARD MEETING (Note: This is a change of date from what was originally published in the year-long calendar.)

DATE AND TIME: Tuesday, May 18, 2004, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

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.

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

WELL DRILLERS ADVISORY COMMITTEE

DATE AND TIME: Wednesday, May 12, 2004, 1:30 p.m.

PLACE: FL Dept. of Environment Protection, Tampa Office, 3804 Coconut Palm Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Committee Business.

Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda for the above meeting may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: Monday, May 10, 2004 through Tuesday, May 11, 2004, 9:30 a.m. – completed

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audit and Finance Committee to discuss and consider District business and interview potential vendors.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director of Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director of Governing Board and Executive Services, (561)682-6371, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, May 12, 2004, 8:30 a.m. – completed

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director of Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact the Director of Governing Board and Executive Services, (561)682-6371, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATES AND TIMES: Wednesday, May 12, 2004, 9:00 a.m. – completed; Thursday, May 13, 2004, 8:30 a.m. – completed

PLACE: South Florida Water Management District, B-1 Auditorium/Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Pilingotes, Inc. v. SFWMD, Case No.: CA 02-008811 AO, Fifteenth Judicial Circuit Court, Palm Beach County, Florida. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, S. Echemendia, M. Dorta, K. Jacques-Adams, and M. Compagno. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, (561)682-6447, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115 West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, May 19, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is to provide an overview of regional conditions and system operations for the prior 6-month period, and projected conditions and operations of Lake Okeechobee for the next 6-month period. All interested parties are invited to attend.

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 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Susan Gray, Ph.D., in the Lake Okeechobee Division, Watershed Management Department, (561)682-6919, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4930 West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, May 25, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Everglades Technical Oversight Committee (TOC) Meeting.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/org/ema/toc/draftagenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Dr. Garth Redfield, in the Environmental Monitoring and Assessment Department, (561)682-6611, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Rural Capital Equipment Grant Application Review Committee Meeting to which all persons are invited.

DATE AND TIME: Monday, May 10, 2004, 2:00 p.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications for Rural Capital Equipment Grants.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces an Ombudsman Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, May 13, 2004, 10:00 a.m. – 12:00 p.m.

PLACE: East Central Florida Regional Planning Council, 631 N. Wymore Rd., Ste. 100, Maitland, FL 32751, (407)623-1075

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605

Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a TD Oversight Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, May 13, 2004, 1:00 p.m. – completion

PLACE: East Central Florida Regional Planning Council, 631 N. Wymore Rd., Ste. 100, Maitland, FL 32751, (407)623-1075

GENERAL SUBJECT MATTER TO BE CONSIDERED: To define the role of the Oversight Committee.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Workshop to which all persons are invited.

DATE AND TIME: Thursday, May 20, 2004, 8:30 a.m. – 12:00 Noon

PLACE: Embassy Suites USF, 3705 Spectrum Blvd., Tampa, FL 33612-9412, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Five and TwentyYear Plans.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a CTC Tour to which all persons are invited.

DATE AND TIME: Thursday, May 20, 2004, 1:30 p.m. – completion

PLACE: Departing from Embassy Suites USF, 3705 Spectrum Blvd., Tampa, FL 33612-9412, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: To tour local Community Transportation Coordinator facilities and observe the coordinated transportation system.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, May 20, 2004, 5:30 p.m. – completion

PLACE: Embassy Suites USF, 3705 Spectrum Blvd., Tampa, FL 33612-9412, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear comments from the public concerning the transportation disadvantaged program.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Friday, May 21, 2004, 8:30 a.m. – completion

PLACE: Embassy Suites USF, 3705 Spectrum Blvd., Tampa, FL 33612-9412, (813)977-7066.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

SPACEPORT FLORIDA AUTHORITY

The **Florida Space Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: May 12, 2004, 9:30 a.m. – 11:30 a.m. (CDT)

PLACE: Institute for Human and Machine Cognition, 40 South Alcaniz Street, Pensacola, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss the status of Authority programs in the areas of business development, space transportation and planning, construction and facilities, policy coordination and any other administrative issues that may need to be considered relating to the business of the Authority and other state agencies.

For more information, contact: Margo Witcher, (321)730-5301, Ext. 1105.

To obtain a copy of the agenda, write: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003 or visit their website at www.floridaspaceauthority.com.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Clinical Laboratory Technical Advisory Panel to be held by telephone conference call.

DATE AND TIME: May 18, 2004, 1:00 p.m. – adjournment, no later than 4:00 p.m.

PLACE: Contact the Agency for Health Administration, (850)487-3109, to obtain the teleconference number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to Chapter 59A-7, Florida Administrative Code.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Agency for Health Care Administration, (850)487-3109, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Agency 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: Patricia L. James, Agency for Health Care Administration, 2727 Mahan Dr., Mail Stop #32, Tallahassee, FL 32308 or jamesp@fdhc.state.fl.us.

DEPARTMENT OF MANAGEMENT SERVICES

The Governor's Americans with Disabilities Act Working Group, which is administered by the **Department of Management Services** announces a meeting of the ADA Working Group Board and Public Hearing to which all interested persons are invited.

MEETING

DATES AND TIMES: May 10, 2004, 1:00 p.m. – 5:00 p.m.; May 11, 2004, 9:00 a.m. – 5:00 p.m.; May 12, 2004, 9:00 a.m. – 12:00 Noon

PUBLIC HEARING

DATE AND TIME: May 11, 2004, 4:00 p.m. – 6:00 p.m.

PLACE: Marriott Suites Clearwater Beach on Sand Key, 1201 Gulf Boulevard, Clearwater Beach, Florida 33767

GENERAL SUBJECT MATTER TO BE CONSIDERED: To facilitate the mission of the Governor's ADA Working Group.

Real-time captioning services, sign language interpreter services and alternative formats will be provided at the event. If an additional accommodation is needed, please contact: Stacia Woolverton, (850)922-4103 (Voice) or (850)922-4103 (TTY).

A copy of the agenda may be obtained by writing or calling: Americans with Disabilities Act Working Group, Building 4050 Esplanade Way, Ste. 160K, Tallahassee, Florida 32399-0950, (Voice) (850)922-4103, (TTY) (850)922-4103.

Should you require accommodations or materials in alternate formats, please contact: Stacia Woolverton, (850)922-4103 (Voice) or (850)922-4103 (TTY).

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, May 17, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Conference Room 124, Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, Elaine.womble@myflorida.com or call (850)922-2680.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Thursday, May 27, 2004, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032 (The meet-me telephone number is (850)921-2530 or Suncom 291-2530)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

The **Correctional Privatization Commission** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, May 14, 2004, 10:00 a.m.

PLACE: 117 Knott Building, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of pertinent Commission business relating to the current and upcoming fiscal years.

Any person who decides to appeal a decision of the Correctional Privatization Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

A copy of the Agenda may be obtained by writing: Correctional Privatization Commission, Office of the Executive Director, 4050 Esplanade Way/Pepper Building, Suite 680, Tallahassee, Florida 32399-0950.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service, 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Accountancy** announces the following public meetings to which all person are invited:

Probable Cause Panel

DATE AND TIME: Tuesday, May 25, 2004, 9:00 a.m.

Meeting of the Board

DATE AND TIME: Wednesday, May 26, 2004, 9:00 a.m.

PLACE: Hilton Tampa Airport, 2225 Lois Avenue, Tampa, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Florida **Mobile Home Relocation Corporation** announces a meeting of its Board of Directors to consider mobile home applications for compensation and relocation due to eviction as a result of land use change.

DATE AND TIME: Wednesday, May 12, 2004, 9:00 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 22760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in the use of the land, and such other business as may come before the board. A schedule of the next meeting will be determined.

Additional information may be obtained by contacting: Connie Prince, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice**, Juvenile Justice and Delinquency Prevention State Advisory Group announce a Grants and Contract Committee meeting.

DATE AND TIME: May 12, 2004, 2:00 p.m. – 4:00 p.m.

PLACE: Conference Call Number (850)414-5775, Suncom 994-5775 or 1(888)461-8181

GENERAL SUBJECT MATTER TO BE CONSIDERED: Grants selection process.

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 Chiropractic Medicine** hereby gives notice that a rules workshop will be held for discussion of Rules 64B2-11.012 and 64B2-11.013 at the time, date and place listed below:

DATE AND TIME: May 21, 2004, 1:00 p.m.

PLACE: Hyatt Regency, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application for Acupuncture Certification and Acupuncture Certification.

The preliminary text of the proposed rule developments were published in the Vol. 30, No. 14, April 2, 2004 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE RULES WORKSHOP IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259, (850)245-4355.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Board's Executive Director 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: May 14, 2004, 2:00 p.m.

PLACE: Toll Free Number 1(800)416-4254, Meet Me Number (850)922-2903, Suncom Number 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: May 21, 2004, 2:00 p.m.

PLACE: Toll Free Number 1(800)416-4254, Meet Me Number (850)922-2903, Suncom Number 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, May 22, 2004, 8:00 a.m. or soon thereafter

PLACE: Omni Jacksonville Hotel, 245 Water St., Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine at (850) 245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Nursing**, North, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: May 10, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee, FL at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, South, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: May 27, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee, FL at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The Florida **Board of Osteopathic Medicine** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Friday, May 14, 2004, 5:00 p.m. or shortly thereafter; Saturday, May 15, 2004, 9:00 a.m. or shortly thereafter

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Pharmacy**, Rules Committee announces a meeting to which all persons are invited.

DATE AND TIME: June 27, 2004, 1:00 p.m.

PLACE: Gaylord Palms Resort, 2900 S. International Drive, Orlando, FL 34746, (407)872-1650

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: Danna Droz, Executive Director, 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** announces a public meeting to which all persons are invited.

DATES AND TIME: June 28-29, 2004 8:00 a.m.

PLACE: Gaylord Palms Resort, 2900 S. International Drive, Orlando, FL 34746, (407)872-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Danna Droz, Executive Director, 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 Psychology** announces a conference call of the board to which all persons are invited:

DATE AND TIME: June 18, 2004, 8:00 a.m. or soon thereafter

PLACE: Numbers – (850)488-0979, Suncom 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quorum meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)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 **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Monday, May 24, 2004, 1:00 p.m. or soon thereafter

PLACE: Hyatt Regency, 9300 Airport Blvd., Orlando, FL, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Laws and Rules Review Panel.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Probable Cause Panel of the **Board of Speech-Language Pathology and Audiology** announces a meeting:

DATE AND TIME: Monday, May 24, 2004, 6:00 p.m. or soon thereafter

PLACE: Hyatt Regency, 9300 Airport Blvd., Orlando, FL, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Stephen Graham, Senior Attorney, Office of the Attorney General, Administrative Law Section, 110 S. E. 6th Street, 9th Floor, Ft. Lauderdale, FL 33301.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at 4052 Bald Cypress Way, #C06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770, via Florida Relay Service.

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Tuesday, May 25, 2004, 9:00 a.m. or soon thereafter

PLACE: Hyatt Regency, 9300 Airport Blvd., Orlando, FL, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A meeting of the Florida **Diabetes Advisory Council** (DAC) will be held as follows.

DATE AND TIME: Wednesday, May 5, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott (Tampa International Airport), Tampa, FL

This is a public meeting. If you would like to attend, have questions, or need more information, please contact Trina Thompson, (850)245-4330, by May 1, 2004.

All requests for special accommodations must be received by 5:00 p.m. on May 3, 2004.

The Florida **Department of Health**, Children's Medical Services (CMS) announces a conference call meeting of the Cardiac Subcommittee to which all persons are invited:

DATE AND TIME: Tuesday, May 4, 2004, 5:00 p.m. – 6:00 p.m. (EDT)

PLACE: (850)414-5775, Suncom 994-5775, Toll Free 1(888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: The CMS Cardiac Subcommittee, appointed by the Chairman of the CMS Network Advisory Council, will meet via conference call on Tuesday, May 4, 2004, 5:00 p.m. – 6:00 p.m. (EDT) to review revised CMS cardiac standards and the facility review algorithm.

A copy of the agenda may be obtained from: Sue Steverson, Sue Steverson, Department of Health, (850)245-4444, Ext. 2253, Sue_Steverson@doh.state.fl.us

The **Department of Health**, Drug Wholesaler Advisory Council meeting will be held as follows.

DATE AND TIME: Thursday, May 20, 2004, 9:30 a.m. – 2:30 p.m.

PLACE: 2585 Merchant's Row, Prather Building, Room 310A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include comments from Secretary John Agwunobi, follow-up discussion regarding Anzemet being added to the specified drug list, general discussion, and the selection of the next meeting date.

Direct inquiries to: Maxine Wenzinger, (850)922-5190.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 14 announces the following meeting to which all persons are invited.

The Substance Abuse and Mental Health Program Office meeting regarding the re-designation of the Lakeland Regional Medical Center as a private Baker Act Receiving Facility.

DATE AND TIME: Thursday, May 20, 2004, 3:30 p.m. – 4:30 p.m.

PLACE: District 14, Children and Family Services, 4720 Old Highway 37, Conference Room A, Second Floor, Lakeland, FL 33813

GENERAL SUBJECT MATTER TO BE CONSIDERED: To seek public input and information regarding the re-designation of the Baker Act Receiving Facility at Lakeland Region Medical Center.

For further information call: Neal Dwyer or Lorenzo McCloud, (863)619-4171

The Florida **Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279 Laws of Florida, announces a meeting of the Executive Committee to which all persons are invited.

DATE AND TIME: Friday, May 7, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Pathways Drop-In Center, 1313 30th Street, Orlando, Florida 32805-6301, (407)843-5530

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be for the purpose of discussing the agenda of the June 2-3 meeting of the entire Corporation and a preliminary work plan for the Executive Director.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Ellen Piekalkiewicz seven days prior to

the meeting, Florida Department of Children and Family Services, Mental Health Program Office, Building 1, Room 206, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1576.

The **Department of Children and Family Services, Mental Health Program Office** announces public meetings in May to which all persons are invited:

DATE AND TIME: May 13, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Broward General Medical Center, 1600 South Andrews Avenue, Auditorium B, 2nd Floor, Ft. Lauderdale, FL 33316

DATE AND TIME: May 17, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Memorial Regional Hospital, 3501 Johnson Street, Parlors A & B, First Floor, Hollywood, FL 33021

DATE AND TIME: May 20, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Imperial Point Hospital, 6401 N. Federal Highway, 1st Floor Private Dining Room, Ft. Lauderdale, FL 33308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of BROWARD GENERAL MEDICAL CENTER AND MEMORIAL REGIONAL HOSPITAL as public Baker Act Receiving Facilities, and IMPERIAL POINT HOSPITAL as a private Baker Act receiving facility.

Persons with disabilities requiring accommodations in order to participate in these events should contact the following person by telephone or in writing: Pearl Guerin, 201 W. Broward Blvd., Suite #511, Ft. Lauderdale, FL 33301, (954)767-5002, by close of business (5:00 p.m.) no later than five working days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Pearl Guerin, (954)767-5002

The **Department of Children and Family Services, Substance Abuse and Mental Health Program Office**, District 3 announces a public meeting to which all persons are invited.

DATE AND TIME: May 13, 2004, 5:30 p.m.

PLACE: Meridian Behavioral Healthcare, Inc., Board Room, 4300 S. W. 13th Street, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of a public receiving facility in District 3. Meridian Behavioral Healthcare, Inc., provides acute care services under the provision of Chapter 394, Part I, Florida Statutes, known as the Baker Act.

For further information regarding the hearing, contact: Carolyn TeStrake, (352)955-5045.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meeting:

MEETING: Program Committee Meeting

DATE AND TIME: Tuesday, May 4, 2004, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, May 6, 2004, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday, May 12, 2004, 10:30 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624, toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105).

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a FAJUA Board of Governors public meeting to which all persons are invited:

Ad Hoc Vendor Review and Selection Committee Meeting

DATE AND TIME: Monday, May 10, 2004, 10:00 a.m.

PLACE: Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Receive presentation from current FAJUA Servicing Carrier regarding Servicing Carrier Agreement; discuss the Audit RFP; and any other matters that may come before the committee.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, lstoutamire@fajua.org.

CRIMINAL JUSTICE STANDARDS AND TRAINING

The **Criminal Justice Standards and Training**, Region X Council announces a meeting to which all interested persons are invited.

DATE AND TIME: May 11, 2004, 9:30 a.m.

PLACE: Punta Gorda Police Dept., 1410 S. Tamiami Trail, Punta Gorda, FL 33952

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda: Old Business, 2003-2004 Classes offered-Update, New Business, Other Items of Interest, Adjourn.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: May 12, 2004, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATE AND TIME: Wednesday, May 12, 2004, 8:30 a.m. – 3:00 p.m.

PLACE: Ft. Lauderdale Airport Sheraton Hotel, Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A briefing on Career Education and other components of the Master Plan, an update on the 2004 legislative session, and a discussion of other ongoing assignments. An informal dinner will be held at the same location the evening of May 11.

For further information contact: Council office, (850)488-7894.

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The **First Florida Governmental Financing Commission** announces the following public meeting, where all interested parties are invited:

DATE AND TIME: Friday, May 14, 2004, 11:00 a.m.

PLACE: Room 430, Fourth Floor, Broward County Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923, (850)878-1874.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association**, created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Tuesday, May 18, 2004, 2:00 p.m.

PLACE: Department of Financial Services, 200 E. Gaines Street, Larson Building, Rm. 101B, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SUNSHINE STATE ONE CALL OF FLORIDA

Mark your calendars for **Sunshine State One Call of Florida**, Inc.'s annual meeting and elections, board and committee meetings, and annual golf tournament, May 20 and 21, 2004. Formal business attire will be required during the annual meeting.

Executive Review Committee Meeting

DATE AND TIME: May 20, 2004, 7:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director's review.

Board of Directors Meeting

DATE AND TIME: May 20, 2004, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Review Committee will make a presentation to the board.

Annual Meeting

DATE AND TIME: May 20, 2004, 8:30 a.m. – Registration; 9:00 a.m. – Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of the 2003-2004 fiscal year and annual elections.

Board of Directors Meeting

DATE AND TIME: May 20, 2004, Immediately following Annual Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Election of officers and other matters that affect the operation of the call center.

Committee Meetings

During the board meeting, committees will be selected. The following committees will meet for 30 minutes each in succession: Finance, Operations, Damage Prevention and Executive Review. Each committee will select a vice-chair and secretary and review action plans.

ELECTION

Each member company of SSOCOF is entitled to one vote in the Board of Directors elections. Voting will be conducted at the meeting. Mail ballots will not be allowed.

PLACE: Sunshine State One Call, 11 Plantation Road, DeBary, FL 32713, (386)575-2000 or 1(800)638-4097

GOLF TOURNAMENT

DATE AND TIME: May 21, 2004, 8:30 a.m. start

PLACE: DeBary Golf and Country Club, 300 Plantation Club Drive, DeBary, FL

Registration/sponsorship forms available at <http://www.callsunshine.com/corp/docs/golf.pdf>. (Registration fee for golf is \$ 55 and includes breakfast, lunch, cart and range balls. Sponsorship is \$150 or \$175 for a sponsorship and one golfer.) Direct questions to: Brad Martin, (850)514-9221.

Note: Any person requiring an accommodation at this meeting because of a physical impairment should call the one-call notification center, (386)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center, 1(800)955-8771.

FRUITLAND PARK CITY COMMISSION

The **Fruitland Park City Commission**, in conjunction with the Lake County Board of County Commissioners, Department of Public Works announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, May 27, 2004, 7:00 p.m. – 9:00 p.m.

PLACE: City of Fruitland Park City Hall, 506 W. Berckman, Fruitland Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being offered to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, and environmental affects of proposed improvements to County Road 466A, from the Sumter County Line to US 27/441 in Lake County, Florida.

Anyone needing project or public hearing information, to obtain a copy of the agenda, or special accommodations under the Americans with Disabilities Act should write or call: Ms. Linda Rodrick, City Manager, City of Fruitland Park, 506 W. Berckman, Fruitland Park, FL 34731, (352)360-6727. Special accommodations requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

INDIAN RIVER COMMUNITY COLLEGE

The **Indian River Community College**, Criminal Justice Training Institute announces a public meeting for the Region XI Training Council, to which the public is invited.

DATE AND TIME: June 2, 2004, 10:00 a.m.

PLACE: Indian River Community College, Indian River Academy, 5900 Tedder Road, Fort Pierce, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To elect the Region XI Council for the next year, to review information gathered at the May State Commission meeting, provide update on training classes, and any other issues involving the region.

FLORIDA COMMISSION ON TOURISM

The **Florida Commission on Tourism** announces a public meeting of the VISIT FLORIDA Board of Directors and the Florida Commission on Tourism as follows:

MEETING: Visitor Services Committee

DATE AND TIME: Wednesday, December 10, 2003, 8:00 a.m. – 9:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear updates on the Florida Welcome Centers and other business as necessary.

MEETING: New Product Development Council

DATE AND TIME: Wednesday, December 10, 2003, 9:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear regional updates and other business as necessary.

MEETING: Finance Committee

DATE AND TIME: Wednesday, December 10, 2003, 10:00 a.m. – 11:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review financial statements and other business as necessary.

MEETING: Partner Development Committee

DATE AND TIME: Wednesday, December 10, 2003, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss old business and strategies for recruiting new Partners.

MEETING: Marketing Steering Committee

DATE AND TIME: Wednesday, December 10, 2003, 3:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss and review marketing strategies and other business as necessary.

MEETING: VISIT FLORIDA Board of Directors Meeting

DATE AND TIME: Thursday, June 17, 2004, 9:00 a.m. – adjournment

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss committee reports, on-going issues and other matters.

MEETING: Florida Commission on Tourism

DATE AND TIME: Thursday, June 17, 2004, Upon adjournment of the Board of Directors meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will ratify actions of the Board of Directors and discuss other matters as necessary.

PLACE: Adam’s Mark Daytona Beach Resort, 100 N. Atlantic Avenue, Daytona Beach, FL., 1(800)411-8776

For further information contact: Susan Gale, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Public Employees
Relations Commission has issued an order disposing of the
petition for Declaratory Statement filed by the Government
Supervisors Association of Florida, OPEIU, Local 100,
AFL-CIO on March 4, 2004.

Case No.: DS-2004-001.

The petition was denied because the question it posed was not
appropriate for resolution in a proceeding seeking a declaratory
statement. The petition inappropriately inquired into a current
dispute rather than seeking guidance for future actions. In order
to resolve the question, the Commission redocketed the case as
a miscellaneous petition and directed that a hearing officer be
assigned and a hearing scheduled.

A copy of the order may be obtained by writing: Clerk, Public
Employees Realtions Commission, 4050 Esplanade Way,
Tallahassee, Florida 32399-0950.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida
Land Sales, Condominiums and Mobile Homes, Department of
Business and Professional Regulation, State of Florida,
received a petition for declaratory statement In Re: Petition for
Declaratory Statement, Joseph E. White, unit owner, Jupiter
Reef Club.

Docket Number 2004009986.

The Petitioner request a declaratory statement as to whether a
real estate broker, who owns a whole condominium unit within
the timeshare plan and who offers other owners; timeshare
interests for resale, is entitled to hold a minority seat on the
board of directors of the owner's association by appointment
under Section 718.301, Florida Statutes (2003).

A copy of the Petition for Declaratory Statement, Docket
Number 2004009986, 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 FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of
Financial Services has received a Petition for Declaratory
Statement from AfterLife Services, Inc. The petitioner seeks
the agency's opinion as to the applicability of Section
497.005(10), Florida Statutes, and related statutes, to the
petitioner's proposal to create a monument on the ocean floor
constructed of cremated remains mixed with concrete.

A copy of the petition may be obtained by contacting: Lesley
Mendelson, Division of Legal Services, Department of
Financial Services, 200 East Gaines Street, Tallahassee,
Florida 32399-0333, (850)413-4148.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has
been filed with the Division of Administrative Hearings on
the following rules:

NONE

Notice of Disposition of Petition for Administrative
Determination have been filed by the Division of
Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-257

Project and Location: Life Sciences Teaching & Research
Center
Florida State University, Tallahassee,
Florida

This project will provide for the construction of approximately 152,200 gsf of new research, teaching and administrative space for the Biological Science Department. The facility will provide research labs, teaching labs, classrooms, office and support space. Currently planned for a location south of the new Medical School and the new Psychology building in the northwestern quadrant of the main campus, the role of the facility may potentially be expanded to house portions of a Chiropractic School as well.

The selected firm will provide advanced programming, design, construction documents and administration for the referenced project which is currently budgeted at \$30,183,000 for construction. After the advanced program is accepted, and if laboratory consultants are required, they will be selected at that time. The project delivery system will be construction management. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Florida State University "Professional Qualifications Supplement," dated August 8, 2003. Applications on any other form, or on versions dated prior to 8/08/03, will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for Florida State University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, www.fpc.fsu.edu, or by contacting: Lynetta Mills, Facilities Design & Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact: Daryl Ellison, Associate Director of Facilities Design & Construction (Project Manager), at the address and phone listed above.

Submittals must be received in the above office, by 2:00 PM, local time, on Friday, May 28, 2004. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that continuing professional services are required for the following discipline: Architecture (Up to 3) (Tampa and Lakeland campuses).

Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1, 2004 to June 30, 2005. Award of contract is for an initial period of one (1) year with an Owner's option to renew for one (1) additional year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional continuing

service professionals under contract during the same time period. Services required to be provided under the Continuing Services Contracts include the development of record drawings by the Continuing Service Consultant for projects designed by that consultant to reflect as-built conditions to facilitate the University's space management program. Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed "USF Professional Qualifications Supplement" dated April 2004. Proposals must not exceed 40 pages, including the "Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. Submittals become part of the public record.

Attach to each letter of interest:

1. The "USF Professional Qualifications Supplement," dated April 2004 completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board.

An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida. Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services.

The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The "Professional Qualifications Supplement" and Project Fact Sheet which includes project information may be obtained by contacting: Kathy Bennett, Contracts Administrator, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, Phone (813)974-3098, (813)974-2625, or Fax (813)974-3542.

All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 1:00pm, Eastern Time, on Thursday, May 13, 2004, at the University of South Florida, Tampa Campus, Phyllis P. Marshall Center Room 270, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and the employees of University of South Florida except as provided at the pre-submittal meeting, the pre-interview meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: Ronald D. Hanke, RA, Director and Division Head for Project Management, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550.

Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. Submittals must be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, FL 33620-7550) by 2:00 pm, Eastern Time, on Tuesday, June 1, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

NOTICE TO PROFESSIONAL CONSULTANTS:

FLORIDA ATLANTIC UNIVERSITY, on behalf of its Board of Trustees, announces that professional services are required in the following discipline(s):

CODE REVIEW AND INSPECTION SERVICES.

Project(s): All Construction Projects

Project(s) Location: All Florida Atlantic University campuses.

Firms applying must have State of Florida licensed and/or State of Florida certified personnel on staff to perform plans reviews and construction inspections for building, structural, mechanical, electrical and plumbing.

These services will be based on a negotiated fee schedule with each occurrence of service being authorized with a purchase order. Campus Service contracts provide that the consultant will be available on an as-needed basis. The term of agreement is for one year with the option to extend the agreement for one additional year. Two firms will be selected for these services.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Preference will be given to firms that are primarily in business of code compliance plans review and inspections. Preference will be given to firms whose personnel consist primarily of licensed and/or certified plans reviewers and inspectors. Proximity of location will be a prime factor in the selection of the firm. Design ability will not be considered for this selection.

Attach to each letter of application:

1. The most recent version of the FAU "Professional Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificates from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application materials will not be returned.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The FAU Professional Qualification Supplement forms, project fact sheet information, and selection criteria may be obtained by contacting: Keyla Thamsten, Facilities Planning Department, Florida Atlantic University, 777 Glades Road, COB 69 – Room 107, Boca Raton, Florida 33431, (561)297-3039. FAU PQS forms are available on the Florida Atlantic University Division of the University Architect web pages at <http://uavp.fau.edu/>.

Submittals must be received in the Facilities Planning Department, Florida Atlantic University, 777 Glades Road, COB 69 – Room 107, Boca Raton, Florida 33431, by 5:00 p.m. local time, on June 4, 2004. Facsimile (FAX) submittals are NOT acceptable and will NOT be considered.

CALL FOR BIDS:

Made by the "University of North Florida Board of Trustees, a public body corporate".

PROJECT NAME, NUMBER, AND LOCATION: ITB #04-25 SOCCER FIELD DRAINAGE in the 400 Meter Track and Soccer Stadium, 4567 St. Johns Bluff Road, Jacksonville, Florida 32245.

GENERAL SCOPE: The project shall consist of site preparation for subsequent construction by others. Work shall include, but not necessarily be limited to, construction of trench drainage and outfall drainage systems with all necessary catch basins and appurtenances; field grading and; sodding / grassing where required. Contractor shall provide all labor, materials, equipment, and supervision necessary to accomplish all work complete and ready for use. Estimated cost of construction is between \$250,000 and \$350,000.

QUALIFICATIONS: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: Friday, May 28, 2004 until 2:00 P.M. local time.

PLACE: University of North Florida, Building 6, Training Room 1225, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224 at which time and place bids will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the:

ARCHITECT/ENGINEER: Prosser Hallock, Inc., 13901 Sutton Park Drive, Suite 200, Jacksonville, FL 32224, Telephone (904)739-3655

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Department of Management Services, Office of Supplier Diversity.

PRE-SOLICITATION / PRE-BID MEETING: The Bidder is required to attend the pre-solicitation / pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. This meeting has been scheduled for:

DATE AND TIME: Friday, May 7, 2004 at 2:00 P.M. local time.

PLACE: University of North Florida, Building 6, Training Room 1225, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224.

DEPOSIT: \$30.00 PER SET OF DRAWINGS AND PROJECT MANUAL as required, with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of Drawings and Project Manuals for single discipline contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or single discipline contractors acting as subcontractors who, after having examined the drawings and specifications:

- submit a bona fide bid, or
- provide written evidence that they have submitted bids as subcontractors for single discipline work,
- and who return the Drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of Bidding Documents may be examined at the Architect / Engineer's office and local plan rooms. Full sets may be purchased from the Architect / Engineer for \$30.00 per set for the printing and handling costs. Partial sets may be purchased at \$30.00 per sheet of drawings and \$10.00 per sheet for the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

District School Board of Putnam County
RFB No. 54007504

Large Equipment Items for Food Service

The District School Board of Putnam County, Palatka, Florida is soliciting sealed bids from responsible vendors to supply large equipment items to the Food Service Department. Bid proposals will be received in the Purchasing Office, 1314 Reid Street, Palatka, FL 32177 until 2:00 PM, local time, Tuesday, May 11, 2004. Interested vendors may obtain a copy of the RFB from the Purchasing Department, Putnam County School District, 1314 Reid St., Palatka, FL 32177. Phone (386)329-0525.

Putnam County District School Board
RFB No. 54007506

Small Equipment for Food Service

The Putnam County School Board, Palatka, Florida is soliciting sealed bids from responsible vendors to furnish small food service equipment as specified in RFB No. 54007506 to the Food Service Department. Bid proposals will be received in the Purchasing Office, 1314 Reid Street, Palatka, FL 32177 until 2:00 p.m., local time, Tuesday, May 18, 2004. Interested vendors may obtain a copy of the RFB from the Purchasing Department, Putnam County School District. Telephone (386)329-0517.

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 May 13, 2004 for the purpose of selecting a supplier to provide Milk & Dairy Products per the bid specifications for:

Milk & Dairy
Bid #04-380-601

The purpose and intent of this invitation to bid are to select a supplier to provide and deliver milk and dairy products to approximately 134 district facilities, countywide, and to secure either firm unit prices or fixed fees for the contract period as specified herein.

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 So. 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

JANE GALLUCCI
CHAIRMAN

MARK C. LINDEMANN
DIRECTOR, PURCHASING

TAMPA BAY REVIEW FOR PUBLICATION: April 23, 2004 & April 30, 2004

Notice to Bidders

The School District of Lee County, Florida
Department of Procurement Services
BID REQUEST FOR:
ANNUAL SUPPLY OF ICE CREAM AND
FROZEN SPECIALTY ITEMS

Bid No.: 6189 Opening Date: May 26, 2004, 2:00 p.m.

Request a bid package by:

Phone (239)479-4250, Fax (239)337-8200, In Person or Mail
3308 Canal Street, Fort Myers, Florida 33916-6594

Requests must be received by May 19, 2004, 2:00 p.m.

Complete Bid Package available only upon request.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

Public Notice

Invitation to Negotiate

The State Board of Administration of Florida invites all qualified and interested parties wishing to provide Records Management Program Review Consulting Services to submit proposals for consideration.

To obtain a copy of the Invitation to Negotiate, please contact Charles Bunker, (850)413-1102, or bunker_chuck@fsba.state.fl.us or you may download the Invitation to Negotiate from the SBA's website on <http://www.sbafla.com>. Requests for clarification will be accepted no later than close of business on May 14, 2004. The response filing deadline is close of business on May 28, 2004.

The selection committee will meet on Friday, June 4, 2004, from 9:00 to 11:00 a.m. in the Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida.

Finalists interviews, if any, will be conducted between 8:00 a.m. and 4:30 p.m. from June 14 through June 18, 2004, in the Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida.

The final selection will be made by the selection committee on June 25, 2004, in a meeting held between 9:00 and 11:00 a.m., in the Emerald Coast Room, 1801 Hermitage Blvd., Tallahassee, Florida.

For more information regarding this Invitation to Negotiate, please contact: Charles Bunker, (850)413-1102.

EXPRESSWAY AUTHORITIES

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

NOTICE OF REQUEST FOR STATEMENT OF
QUALIFICATIONS (RSOQ)

ENVIRONMENTAL CONSULTANT

CONTAMINATION ASSESSMENT AND REMEDIATION
SERVICES

MDX WORK PROGRAM NO. 50019.141

The Miami-Dade Expressway Authority (MDX) is seeking the services of a qualified Environmental Consultant (the "Firm") to provide Environmental Contamination Assessment and Remediation Services in connection with the MDX Right-of-Way Acquisition Program (the "Project") as required in the MDX Five-Year Work Program.

FEDERAL AND STATE DEBARMENT: By signing and submitting a Statement of Qualifications (SOQ), the Firm certifies that no principal (which includes shareholders, partners, officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal, state or local department or agency.

SYSTEM: The Miami-Dade Expressway Authority System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878 and SR 924.

DESCRIPTION OF WORK: Work anticipated under this Project may consist of, but not be limited to, any of the following: conducting Phase I and Phase II environmental site assessments and audits; performing investigations and preparing reports and other documentation such as contamination assessment reports ("CAR") and contamination assessment plans ("CAP") as directed by MDX; sampling, monitoring, and analytical testing, clean-up and containment and/or remedial activities for any spill, leak, release, or condition, etc., upon request by MDX, to be performed prior to, or during the construction phase of an MDX transportation project when associated with hazardous materials and/or petroleum contamination removal within the immediate areas of the Project; provide construction services as related to remediation and assessment activities, providing response to emergency situations and conducting clean up and containment for any situation determined by MDX to represent an immediate threat to the environment or citizens of the State or for situations deemed necessary by MDX.

SELECTION PROCEDURE: A maximum of six (6) firms will be shortlisted using the Evaluation Criteria shown herein. The shortlisted Firms will be requested to provide written Technical Proposals based on the information and criteria requirements contained in the Request for Proposals ("RFP") to be issued by MDX. Oral interviews with the shortlisted Firms may be required. **FIRMS THAT DO NOT PROVIDE THE REQUIRED INFORMATION AND/OR DOCUMENTATION TO ADDRESS THE PREREQUISITE CRITERIA DESCRIBED BELOW SHALL NOT BE ELIGIBLE FOR SHORTLISTING EVALUATION.**

RESPONSE PROCEDURE: Qualified firms are encouraged to submit a SOQ package to MDX. One (1) unbound original SOQ, nine (9) bound copies (ten (10) hardcopies in total), and one (1) electronic copy in PDF format **MUST** be received by the Miami-Dade Expressway Authority, 3790 NW 21 Street, Miami, Florida 33142, Attn: Ms. Helen M. Cordero, MDX Procurement Officer, by Monday, May 24, 2004 by 12:00 noon, Eastern Time (the "Deadline Date"). SOQs submitted past the Deadline Date and time will be deemed non-responsive.

After reviewing the documentation submitted, evaluating the SOQs using the Evaluation Criteria shown herein, and ranking the Firms, MDX will notify all Firms in writing if they have been shortlisted, and will distribute one (1) copy of the RFP package to each shortlisted Firm.

The deadline to submit questions in reference to this Request for Statements of Qualifications (RSOQ) is Friday, April 30, 2004 by 5:00 p.m. Questions should be submitted in compliance with the Communication Provision below. The responses to questions received will be posted on MDX's website (www.mdx-way.com) as an extension of this advertisement, or may be obtained by contacting MDX's

Procurement Officer pursuant to the Communication Provision below. It is the Firm's responsibility to check the website or with MDX's Procurement Officer for these responses.

RESPONSIVENESS OF SOQ'S AND CONDITIONS CAUSING DISQUALIFICATIONS OF FIRMS: A responsive SOQ is one that conforms, in all material respects, to the requirements and instructions of the RSOQ.

SOQs will be rejected if found to be irregular, conditional or not in conformance with the requirements and instructions contained herein.

An SOQ will be found to be irregular or non-responsive for reasons including, but not limited to, violation of the Cone of Silence (as defined below), failure to strictly comply with and satisfactorily address the Prerequisite Criteria, failure to submit the information needed to evaluate the SOQ based on the Evaluation Criteria, incomplete SOQs, failure to provide or complete required forms, improper signatures, submittal of more than one SOQ by the same Firm, evidence of collusion among Firms, evidence that a Firm has a financial interest in another Firm submitting an SOQ for this engagement or failure to submit an SOQ by the deadline date and time as shown above.

SOQs will be rejected if more than one SOQ is received from an individual, firm, partnership, or corporation, or combination thereof (furnished as the prime proposer), under the same or different names. Such duplicate interest will cause the rejection of all SOQs in which such Firm has participated. A Firm or any of the entities comprising the Firm shall not appear as a Proposer in any other SOQ for the Project.

MDX, at its sole and absolute discretion, reserves the right to reject any and all SOQ's or part of any and all SOQs, re-advertise the RSOQ, postpone or cancel, at any time, this procurement process for the Project, waive irregularities in the SOQs or to withdraw the RSOQ, if it is in the best interest of MDX. All expenses involved with the preparation and submission of an SOQ to MDX, or any work performed in connection therewith, shall be solely the Firm's responsibility.

SUBMITTAL OF STATEMENT OF QUALIFICATIONS: The SOQ shall be in writing, submitted on the letterhead of the Firm. The SOQ is limited to a maximum of twenty (20) pages. Resumes, MDX forms, and certificates/licenses are not included in the 20-page limitation. Resumes are limited to one (1) page per individual. The SOQ MUST include at a minimum, the documentation and/or information required in the Prerequisite Criteria, Required Information and Evaluation Criteria.

Please be aware that the use of the MDX logo and/or any symbol registered by MDX is strictly prohibited by MDX. Therefore, neither the MDX logo nor any symbol registered by MDX shall be copied or otherwise utilized by the Firm in its SOQ or in any other documentation. If the Firm violates such prohibition against the utilization of the MDX logo and/or any

other registered symbol of MDX, MDX, at its sole discretion, may: (1) seek legal action against such Firm; and/or (2) deem the SOQ non-responsive.

PREREQUISITE CRITERIA: SOQs will not be considered from Firms that do not satisfy, at a minimum, the following Prerequisite Criteria. All requested documentation and/or information must be provided in the SOQ to confirm that the Firm has satisfied all of the Prerequisite Criteria.

1. The Firm shall have a minimum of five (5) years specific experience in providing Environmental Contamination Assessment and Remediation Services as described above.
2. As required by Section 287.133, Florida Statute, a firm may not submit a proposal for the Project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. Firms must address this criterion by completing and submitting with the SOQ a Sworn Statement on Public Entity Crimes Form (a copy of this form may be obtained from MDX's website). Proposed sub-consultants shall also complete and submit this form in order to be considered.
3. Appropriate Certifications from Miami-Dade County, Broward County, Palm Beach County, Florida Department of Environmental Resources Management (DERM), Florida Department of Environmental Protection Agency (DEP), Florida Department of Transportation (FDOT) or any other local, state or federal agency to perform work relevant to this project.
4. Experience with the DERM, DEP, FDOT or any other local, state or federal agency as it relates to the work for the Project.
5. Certificates of Good Standing evidencing that the Firm is qualified to do business in the State of Florida. Documentation provided to comply with this criterion must be current.
6. Execution of a Commitment Letter (a copy of this form may be obtained from MDX's website) stating that the Firm shall satisfy the 10% Small Business Participation Goal for this procurement, in compliance with MDX's Small Business Participation Policy (a copy of this Policy may be obtained from MDX's website). Please be aware that MDX will be awarding Small Business Participation Bonus Points during the RFP phase of this procurement. Firms shall not provide information on exceeding the Small Business Participation Goal in their SOQ. Further documentation addressing this requirement shall be required of the shortlisted Firms, pursuant to requirements in the RFP.
7. Execution of the Lobbyist Disclosure Affidavit (a copy of this form may be obtained from MDX's website) providing information regarding any Lobbyists representing the Proposer for this procurement or containing an affirmative statement that no Lobbyists have been retained.
8. An executed Vendor's Bill of Rights and Responsibilities (a copy of this form may be obtained from MDX's website).

The personnel and sub-consultants/sub-contractors proposed by the Firm for the Project are considered to be committed to the Project and shall be available to the Project on the anticipated date of Notice to Proceed.

REQUIRED INFORMATION: The SOQ shall contain the following Required Information:

1. Project Name and number.
2. Firm's name and address.
3. Name of contact person, phone number, fax number and Internet e-mail address (one contact person per Firm).

EVALUATION CRITERIA: The SOQ will be reviewed, evaluated and ranked by the MDX Technical Evaluation Committee using the following Evaluation Criteria:

- Experience of the Environmental Consultant Firm and sub-consultants/sub-contractors as it relates to providing Environmental Contamination Assessment and Remediation Services. This criterion will be specifically evaluated based on the depth and breadth of the Firm's and sub-consultants'/sub-contractors' experience as a whole in the required services as described above as well as detailed experiences in working with the Florida Department of Transportation and other governmental agencies. Total of 35%.
- Qualifications of the Environmental Consultant Firm and sub-consultants/sub-contractors as it relates to providing Environmental Contamination Assessment and Remediation Services. This criterion will be specifically evaluated based on the depth and breadth of the Firm's and sub-consultants'/sub-contractors' qualifications as a whole in the required services as described above Total of 20%.
- Proposed key personnel of the Firm and sub-consultants/sub-contractors, their qualifications and their roles (including resumes) as they relate specifically to the services requested in this RSOQ. Total of 30%.
- A detailed summary of the Firm's and their sub-consultants'/sub-contractors' current and proposed workload as well as all available resources as they relate to existing contracts with other agencies. The Firm should specifically address this criterion with respect to the proposed key personnel proposed for this project and detail the total number of hours available, duration of those existing contracts and total of man-hours committed to those projects. Total of 10%.
- A list of similar engagements, by the Firm and sub-consultants/sub-contractors; in particular, representation of governmental entities, completed NOT EARLIER THAN January 1, 1999, with references and phone numbers, including a general description of the role of the Firm and sub-consultants/sub-contractors, and the services provided. Total of 5%.

COMMUNICATIONS: COMMUNICATIONS BETWEEN ANY PROPOSER OR ITS EMPLOYEES, AGENTS OR REPRESENTATIVES AND ANY BOARD MEMBER OF

MDX, ITS MEMBERS, EMPLOYEES, AGENTS, COUNSEL OR REPRESENTATIVES, INCLUDING ITS CONSULTANTS, AND ITS EVALUATION COMMITTEE MEMBERS, ARE STRICTLY PROHIBITED FROM THE DATE THE PROPOSERS ARE SHORTLISTED FOR THE PROJECT THROUGH THE DATE OF EXECUTION OF THE CONTRACT. The only exceptions to this are: (1) written requests regarding information or clarification made to Ms. Helen Cordero, MDX Procurement Officer; (2) meetings called or requested by MDX and attended by Proposers for the purpose of discussing a solicitation, evaluation or selection process including, but not limited to, the communications at the Pre-Proposal Conference, Oral Interviews, site visits to MDX's or Proposers' facilities, as applicable; (3) written and oral Contract negotiations with the Executive Director or his designated representative; or (4) communications by Proposers not selected under this procurement. Exception No. 4 above will only apply seventy-two (72) hours after approval of the Final Shortlist by the MDX Property Acquisition Committee, assuming no protest is filed; (5) the addressing of the MDX Board or any of its committees at public meetings; and (6) communications permitted by the MDX Procurement Policy, as amended. ANY VIOLATION OF THE REQUIREMENTS SET FORTH IN THIS SECTION SHALL CONSTITUTE GROUNDS FOR IMMEDIATE AND PERMANENT DISQUALIFICATION OF THE OFFENDING PROPOSER.

PROTEST RIGHTS:

1. To be considered, a protest must be in writing and filed with the Secretary of the MDX Board within seventy-two (72) hours, excluding Saturdays, Sunday and legal holidays, after approval of the Final Shortlist if the protest is directed towards any part of the procurement process that has occurred as of the time of that decision.
2. It is intended that this provision be utilized to address any issues concerning the manner or process by which Firms are identified as qualified to receive the Request for Proposal for the Project. Should issues arise after the time period for filing a protest has passed pursuant to this provision, which issues are determined by MDX to be covered by this provision, the protesting party shall be deemed to have waived any right to protest same.
3. A protest bond in the amount of, \$20,000.00 will be required for any protest.
4. After the MDX Operations Committee renders its decision regarding the firms to be shortlisted, a copy of the final shortlist of firms invited to submit proposals in response to the Request for Proposals ("Final Shortlist") shall be sent to all firms who submitted a Statement of Qualifications for the Project by MDX's Chief Purchasing Officer or his designee.
5. Within five (5) calendar days from the date of filing of the protest, the protesting party shall provide MDX with the grounds in detail for its protest.

6. Upon receipt of a timely filed written protest, MDX and the protesting party shall attempt to resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest.
7. If the protest is not resolved by mutual agreement within ten (10) business days from the date of filing, MDX and the protesting party shall select a mutually agreed-upon mediator and participate in mediation within thirty, (30) calendar days after the failure to reach a mutual agreement. All costs of mediation shall be borne by the protesting party, unless otherwise agreed upon by MDX. No court proceedings regarding any protest may be filed until the parties have first participated in mediation.
8. In the event mediation is unsuccessful, the party filing a protest pursuant to this provision shall file and serve the requisite legal action within fifteen (15) calendar days of the date of mediation.
9. In the event that a party serving a protest in accordance with this provision fails to: (1) resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest; (2) work with MDX to select an agreed-upon mediator and participate in mediation within thirty (30) calendar days after the failure to reach a mutual agreement; or (3) file and serve the requisite legal proceeding within fifteen (15) calendar days after the termination of an unsuccessful mediation, the protest shall be deemed withdrawn and have no further force and effect. Any waiver of this provision must be in writing and signed by MDX's Executive Director.
10. Failure to file a protest in accordance with the requirements set forth herein with respect to any decisions made prior to the issuance of the Final Shortlist in accordance with this provision shall constitute a waiver of any right to initiate any protest proceedings regarding those decisions.

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 RSOQ 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.

However, please be aware that MDX has adopted a Small Business Participation Policy and a ten percent (10%) Small Business Participation Goal shall be required for this procurement (see Prerequisite Criteria above and refer to MDX Small Business Participation Policy which may be obtained from MDX's website or by requesting a copy from MDX). Firms are encouraged to refer to the MDX Small Business Participation Policy for a clear understanding of the Small Business Participation Goal requirement and specifically as it relates to the necessary certifications.

The twenty-five percent (25%) goal can be satisfied by M/WBE and Disadvantaged Business Enterprises that are currently certified as such with the State or Miami-Dade County. Satisfaction of the ten percent (10%) Small Business Participation Goal can be counted toward this goal.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL STATEMENTS OF QUALIFICATIONS RECEIVED AT ITS DISCRETION AND WITHOUT ANY RECOURSE.

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)
 MIAMI, FLORIDA
 NOTICE OF INVITATION TO BID (ITB)
 MDX PROJECT NO. 50017
 MDX WORK PROGRAM NO. 83601.060

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a contractor certified with the Miami-Dade County as a Community Small Business Enterprise (CSBE) and pre-qualified in the Miami-Dade County CSBE Trade Category 02820, Fences and Gates ("Bidder") for the installation of fence along the right-of-way line within State Road (SR) 836 (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 & clearing and grubbing necessary for the installation of fence and gates on SR 836 from NW 27th Ave. to NW 17th Ave.

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, June 1st, 2004. A Bidder must be pre-qualified by Miami-Dade County under the CSBE Trade Category 02820, Fences and Gates on the Bid submittal date in order to submit a Bid. A Bidder that is not pre-qualified in accordance with the above requirement, shall be declared "NON RESPONSIVE" and their Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Friday, April 30th, 2004 after 12:00 p.m. at the MDX Headquarters Building located at 3790 NW 21st

Street, Miami. The cost of these documents is \$25.00 per set. Make checks 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 \$54,400.00 (Fifty Four Thousand, Four Hundred Dollars) and the Contract time for this Project is set for Sixty (60) calendar days from the date a Notice to Proceed is issued.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Thursday, May 6th, 2004, at 10:00 a.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".

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

ALL SEALED BIDS MUST BE RECEIVED BY MDX AT 3790 NW 21ST STREET, MIAMI, FLORIDA 33142, NO LATER THAN 2:00 P.M., TUESDAY, JUNE 1ST, 2004.

COMMUNICATIONS/CONE OF SILENCE: COMMUNICATIONS BETWEEN ANY BIDDER OR ITS EMPLOYEES, AGENTS OR REPRESENTATIVES AND ANY BOARD MEMBER OF MDX, ITS MEMBERS, EMPLOYEES, AGENTS, COUNSEL OR REPRESENTATIVES, INCLUDING ITS CONSULTANTS, AND ITS EVALUATION COMMITTEE MEMBERS, ARE STRICTLY PROHIBITED FROM THE DATE OF THE MANDATORY PRE-BID CONFERENCE FOR THIS PROJECT THROUGH THE DATE OF EXECUTION OF THE CONTRACT. The only exceptions to this are: (1) written requests regarding information or clarification made to Ms. Helen Cordero, MDX Procurement Officer; (2) meetings called or requested by MDX and attended by Bidders for the purpose of discussing a solicitation, evaluation or selection process including, but not limited to, the communications at the Mandatory Pre-Bid Conference, Oral Interviews, site visits to MDX's or Bidders' facilities, as applicable; (3) written and oral Contract negotiations with the Executive Director or his designated representative; or (4) communications by Bidders that are not awarded the Contract. Exception No. 4 above will only apply seventy-two (72) hours after posting of the Notice of Intent to Award, assuming no protest is filed; (5) the addressing of the MDX Board or any of its committees at public meetings; and (6) communications permitted by the MDX Procurement Policy, as amended. ANY VIOLATION OF THE REQUIREMENTS SET FORTH IN THIS SECTION SHALL CONSTITUTE GROUNDS FOR IMMEDIATE AND PERMANENT DISQUALIFICATION OF THE OFFENDING BIDDER.

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 Bidders 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 ITB and commits that Bidders 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.

However, please be aware that MDX has adopted a Small Business Participation Policy (the "Policy") and as allowed by the provisions of the Policy, this Project has been set aside for Bidders that are certified by Miami-Dade County as a Community Small Business Enterprise (CSBE). Bidders are encouraged to refer to the MDX Small Business Participation Policy for a clear understanding of its requirements and specifically as it relates to the necessary certifications. A copy of the Policy may be obtained from MDX's website or by requesting a copy from MDX).

The twenty-five percent (25%) goal can be satisfied by M/WBE and Disadvantaged Business Enterprises that are currently certified as such with the State or Miami-Dade County.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)
MIAMI, FLORIDA
NOTICE OF INVITATION TO BID (ITB)
MDX PROJECT NO. 50016
MDX WORK PROGRAM NO. 83601.060

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a contractor certified with the Miami-Dade County as a Community Small Business Enterprise (CSBE) and pre-qualified in the Miami-Dade County CSBE Trade Category 23411, Highway and Street Construction and Trade Category 23521, Painting ("Bidder") to apply pavement markings on State Road (SR) 836 (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 for applying pavement markings on SR 836 from N. W. 27th Ave. to N. W.

17th Ave. The Bidder should be aware that portions of the Work associated with the Project shall not be allowed during the weekend period (from 3:00 p.m. Friday to 9:00 p.m. Sunday).

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., Wednesday, June 2nd, 2004. A Bidder must be pre-qualified by Miami-Dade County under the CSBE Trade Category 23411, Highway and Street Construction and Trade Category 23521, Painting on the Bid submittal date in order to submit a Bid. A Bidder that is not pre-qualified in accordance with the above requirement, shall be declared "NON RESPONSIVE" and their Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Monday, May 3rd, 2004 after 12:00 p.m. at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami. The cost of these documents is \$25.00 per set. Make checks 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 \$58,100.00 (Fifty Eight Thousand, One Hundred Dollars) and the Contract time for this Project is set for Thirty (30) calendar days from the date a Notice to Proceed is issued.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Wednesday, May 5th, 2004, at 2:00 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".

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

ALL SEALED BIDS MUST BE RECEIVED BY MDX AT 3790 N. W. 21ST STREET, MIAMI, FLORIDA 33142, NO LATER THAN 2:00 P.M., WEDNESDAY, JUNE 2ND, 2004. COMMUNICATIONS/CONE OF SILENCE: COMMUNICATIONS BETWEEN ANY BIDDER OR ITS EMPLOYEES, AGENTS OR REPRESENTATIVES AND ANY BOARD MEMBER OF MDX, ITS MEMBERS, EMPLOYEES, AGENTS, COUNSEL OR REPRESENTATIVES, INCLUDING ITS CONSULTANTS, AND ITS EVALUATION COMMITTEE MEMBERS, ARE STRICTLY PROHIBITED FROM THE DATE OF THE MANDATORY

PRE-BID CONFERENCE THIS PROJECT THROUGH THE DATE OF EXECUTION OF THE CONTRACT. The only exceptions to this are: (1) written requests regarding information or clarification made to Ms. Helen Cordero, MDX Procurement Officer; (2) meetings called or requested by MDX and attended by Bidders for the purpose of discussing a solicitation, evaluation or selection process including, but not limited to, the communications at the Mandatory Pre-Bid Conference, Oral Interviews, site visits to MDX's or Bidders' facilities, as applicable; (3) written and oral Contract negotiations with the Executive Director or his designated representative; or (4) communications by Bidders that are not awarded the Contract. Exception No. 4 above will only apply seventy-two (72) hours after posting of the Notice of Intent to Award, assuming no protest is filed; (5) the addressing of the MDX Board or any of its committees at public meetings; and (6) communications permitted by the MDX Procurement Policy, as amended. ANY VIOLATION OF THE REQUIREMENTS SET FORTH IN THIS SECTION SHALL CONSTITUTE GROUNDS FOR IMMEDIATE AND PERMANENT DISQUALIFICATION OF THE OFFENDING BIDDER.

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 Bidders 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 ITB and commits that Bidders 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.

However, please be aware that MDX has adopted a Small Business Participation Policy (the "Policy") and as allowed by the provisions of the Policy, this Project has been set aside for Bidders that are certified by Miami-Dade County as a Community Small Business Enterprise (CSBE). Bidders are encouraged to refer to the MDX Small Business Participation Policy for a clear understanding of its requirements and specifically as it relates to the necessary certifications. A copy of the Policy may be obtained from MDX's website or by requesting a copy from MDX).

The twenty-five percent (25%) goal can be satisfied by M/WBE and Disadvantaged Business Enterprises that are currently certified as such with the State or Miami-Dade County.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

Invitation to Negotiate (ITN)

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability an Invitation to Negotiate (ITN). Copies of the ITN can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301; or calling at (850)488-4180; 1(800)580-7801 (Toll Free); 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future ITNs or RFPs, please visit our website (www.fddc.org) and click on the "RFPs" button near the top of the page, then click on the "sign up" button and follow the directions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this Invitation to Negotiate (ITN #2004-CM-1300) is to provide conference planning and implementation services for a three day statewide Community Inclusion Conference. The intent of this ITN is to identify a suitable event planner to assist FDDC's Community Living & Service Coordination Task Force in all aspects related to planning and implementing this statewide conference.

FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this ITN. Interested parties can see ITN #2004-CM-1300 for specific information related to funding amounts.

The deadline for submitting written questions and letters of intent for this Community Inclusion Conference ITN is May 28, 2004 by 4:00 p.m. (EST). In order for your proposal to be considered, your letter of intent must be received by the above referenced deadline. All answers to written questions will be posted on the FDDC website on or before June 14, 2004. The deadline for submitting proposals for this ITN is July 12, 2004, by 4:00 p.m. (EST).

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, STR, Inc. Motorsports Division, intends to allow the establishment of Mad Dog Scooters, Inc. as a dealership for the sale of Kymco motorcycles, at 1265 S. Military Trail, West Palm Beach (Palm Beach County), Florida 33415, on or after April 7, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Mad Dog Scooters, Inc. are dealer operator(s) and principal investor(s): Nicole Napoli, 11309 Woodchuck Dr., Boca Raton, FL 33428.

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: Bruce Ramsey, Director of Sales/Marketing, STR, Inc. Motorsports Division, 1770 Campton Road, Inman, SC 29349.

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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Vengeance Performance Products, LLC intends to allow the establishment of Cycle Shop, as a dealership for the sale of Vengeance motorcycles at 4003 W. Pensacola Street, Tallahassee (Leon County), Florida 32304 on or after May 17, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Cycle Shop are dealer operator(s) and principal investor(s): Brian Poggie, 4003 West Pensacola Street, Tallahassee, FL 32304.

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 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: Eric P. Beatty, General Counsel for Vengeance Performance Products, LLC, 2151 Convention Center Way, West Wing, Suite 120, Ontario, CA 91764.

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.

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: Raymond Campanile, President/GM, Motorrad of North America, 771 Fentress Blvd., Unit 22, Daytona Beach, FL 32114.

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 relocation 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."

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED
NOTICE OF WITHDRAWAL

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need applications:

- County: Marion Service District: 3
CON # 9747 Decision Date: 4/14/2004 Decision: W
Facility/Project: Ten Broeck Central Florida, Inc.
Applicant: Ten Broeck Central Florida, Inc.
Project Description: Establish an adult psychiatric hospital of up to 46 beds
- County: Palm Beach Service District: 9
CON # 9771 Decision Date: 4/14/2004 Decision: W
Facility/Project: Wellington Regional Medical Center
Applicant: Wellington Regional Medical Center, Inc.
Project Description: Establish a Level III NICU of 15 beds
- County: Dade Service District: 11
CON # 9773 Decision Date: 4/14/2004 Decision: W
Facility/Project: Villa Maria Nursing & Rehabilitation Center, Inc.
Applicant: Villa Maria Nursing & Rehabilitation Center, Inc.
Project Description: Establish a comprehensive medical rehabilitation hospital of up to 40 beds through the transfer of up to 40 beds at St. Catherine's Rehab. Hospital
- County: Dade Service District: 11
CON # 9778 Decision Date: 4/14/2004 Decision: W
Facility/Project: Miami Children's Hospital

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Motorrad of North America, intends to allow the relocation of Scooters of Palm Beach, as a dealership for the sale of MZ motorcycles, from its present location at 12550 S. Military Trail, Ste. 1, Boynton Beach, FL 33436, to a proposed location at 2905-D S. Congress Ave., Delray Beach, Florida 33444 on or after April 21, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Scooters of Palm Beach are dealer operator(s) and principal investor(s): Mary Ann and Edson Teixeira 2905-D S. Congress Ave., Delray Beach, FL 33444.

The notice indicates intent to relocate the franchise 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

Applicant: Variety Children’s Hospital, Inc.
 Project Description: Add up to four Level III NICU beds through the conversion of up to four acute care beds
 A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

Certificate of Need Program
 Notice of Change Public Hearings

The date, time and location of granted public hearings for the following Certificate of Need projects has changed. The changed locations, dates and times follow:

- PROPOSALS: CON #9750, Tri-County Hospital, LLC
 DATE AND TIME: Monday, May 3, 2004, 1:00 p.m.
 PLACE: Trenton Community Center, 214 S. E. 2nd Avenue, Trenton, Florida 32693
 PROPOSALS: CON #9767, Manatee Memorial Hospital, L.P.; CON #9768, North Port HMA, Inc.
 DATE AND TIME: Wednesday, May 5, 2004, 12:00 Noon – 4:30 p.m.
 PLACE: George Mullins Community Center, Multipurpose Building, 4956 City Center Blvd., North Port, Florida 34286

NOTICE OF HOSPICE PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for July 2005, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Fixed need pool projections as published in the April 9, 2004 edition of the Florida Administrative Weekly, are being revised due to an error in the fixed need pool calculations. The fixed need pool is revised as follows:

| Hospice Program Net Need | |
|--------------------------|----------|
| Service Area | Net Need |
| Subdistrict 4A | 1 |
| Subdistrict 7B | 1 |
| Subdistrict 11 | 1 |
| State Total | 3 |

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the

proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: The proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diem rates including the following:

1. Effective May 1, 2004, there will be a modification to the percentages used in the calculation of the final total of all Special Medicaid Payments.
2. Effective July 1, 2004, there will be a modification to the percentages used in the calculation of the final total of all Special Medicaid Payments.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems.

JUSTIFICATION: The justification for the proposed state plan amendment is a recalculation of 03-04 Special Medicaid payment methodology to reflect final total payments.

The Agency is proposing the above rates and changes in reimbursement, effective May 1, 2004 and July 1, 2004. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than May 14, 2004.

Copies of the proposed reimbursement plan incorporating the above changes are available from the contact person listed above.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On April 20, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Leslie Fennell, R.N., license number RN 2737612. This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 20, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Naomi L. Ramos-Johnson, C.N.A., license number CNA7016363970. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 21, 2004:

APPLICATION TO MERGE

Constituent Institutions: Florida Bank, N.A., Tampa, Florida and Mercantile Bank, Orlando, Florida

Resulting Institution: Mercantile Bank

Received: April 13, 2004

APPLICATION FOR AUTHORITY TO EXERCISE TRUST POWERS

Applicant and Location: Englewood Bank, Englewood, Florida 34223-4208

Received: April 13, 2004

APPLICATION TO ORGANIZE A SUCCESSOR INSTITUTION AND BANK MERGER

Constituent Institutions: CQA Interim Bank (Successor Institution) Ormond Beach, Florida and Coquina Bank, Ormond Beach, Florida

Resulting Bank: Coquina Bank

With Title: Coquina Bank

Received: April 19, 2004

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Alarion Bank, One Northeast First Avenue, Ocala, Florida 34470
Correspondent: A. George Iglor or Richard Pearlman, 1501 Park Avenue East, Tallahassee, Florida 32301
Received: April 20, 2004

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

EXECUTIVE DIRECTOR

The Florida Developmental Disabilities Council is seeking an Executive Director. Candidates must have excellent leadership skills and writing and communication skills, an understanding of the Florida service delivery system and the ability to advocate on behalf of individuals with developmental disabilities.

Strengths should include: representational skills, interpersonal skills, conflict management, team-building, collegiality, computer skills, fiscal management and a strong personal commitment to the mission of the Florida Developmental Disabilities Council. The FDDC is a 501(c)(3) organization committed to principles of inclusion, choice, and diversity.

The Executive Director reports to the Board of Directors. The Board of Directors makes decisions by majority and the Executive Director must be comfortable working within this decision-making model. The Executive Director is responsible for supervising staff, ensuring the council's fiscal integrity, and must have the ability to travel 4-5 weeks per year.

This position requires a master's degree in a related field. In some cases, professional experience may be substituted for a degree.

How to Apply:

Interested candidates should submit a resume, recent references, salary requirements, a writing sample and a narrative explaining personal and professional motivation to SEARCH COMMITTEE FDDC by email to toniv.fddc@nettally.com (preferred method) or by mail to 124 Marriott Drive, Suite 203 Tallahassee, FL 32301

Closing Date: May 10, 2004. Resumes accepted after that date if position still open.

Section XIII
Index to Rules Filed During Preceding Week

| | | | | |
|----------|-----------|----------------|-------------------|------------------|
| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|

RULES FILED BETWEEN April 12, 2004
 and April 16, 2004

| | | | | |
|----------|-----------|----------------|-------------------|------------------|
| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF EDUCATION

State Board of Education

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|------------|---------|--------|------|--|
| 6A-22.001 | 4/15/04 | 5/5/04 | 30/7 | |
| 6A-22.002 | 4/15/04 | 5/5/04 | 30/7 | |
| 6A-22.0031 | 4/15/04 | 5/5/04 | 30/7 | |
| 6A-22.006 | 4/15/04 | 5/5/04 | 30/7 | |
| 6A-22.010 | 4/15/04 | 5/5/04 | 30/7 | |
| 6A-22.011 | 4/15/04 | 5/5/04 | 30/7 | |

University of South Florida

| | | | | |
|-----------|---------|--------|--|-----------|
| 6C4-1.005 | 4/12/04 | 5/2/04 | | Newspaper |
| 6C4-3.014 | 4/12/04 | 5/2/04 | | Newspaper |

University of North Florida

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|------------|---------|--------|--|-----------|
| 6C9-8.1001 | 4/12/04 | 5/2/04 | | Newspaper |
| 6C9-8.1002 | 4/12/04 | 5/2/04 | | Newspaper |
| 6C9-8.1003 | 4/12/04 | 5/2/04 | | Newspaper |
| 6C9-8.1004 | 4/12/04 | 5/2/04 | | Newspaper |
| 6C9-8.1005 | 4/12/04 | 5/2/04 | | Newspaper |
| 6C9-8.1006 | 4/12/04 | 5/2/04 | | Newspaper |

DEPARTMENT OF HEALTH

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|----------|---------|--------|-------|--|
| 64-2.001 | 4/15/04 | 5/5/04 | 30/11 | |
| 64-2.002 | 4/15/04 | 5/5/04 | 30/11 | |

Board of Massage

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|--------------|---------|--------|-------|-------|
| 64B7-27.002 | 4/15/04 | 5/5/04 | 29/7 | 30/12 |
| 64B7-28.0095 | 4/15/04 | 5/5/04 | 30/11 | |
| 64B7-31.001 | 4/15/04 | 5/5/04 | 30/11 | |

Board of Medicine

| | | | | |
|-------------|---------|--------|-------|--|
| 64B8-13.005 | 4/14/04 | 5/4/04 | 30/8 | |
| 64B8-30.014 | 4/14/04 | 5/4/04 | 30/11 | |

Board of Orthotists and Prosthetists

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|-------------|---------|--------|-------|--|
| 64B14-3.001 | 4/15/04 | 5/5/04 | 30/11 | |
|-------------|---------|--------|-------|--|

Board of Osteopathic Medicine

| | | | | |
|---------------|---------|--------|-------|--|
| 64B15-6.01051 | 4/14/04 | 5/4/04 | 30/11 | |
|---------------|---------|--------|-------|--|