

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Electronic Transmission of Absentee Ballot
RULE NO.: 1S-2.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the current rule that establishes standards for the transmission of requests for absentee ballots by overseas voters through electronic means.

SUBJECT AREA TO BE DISCUSSED: Electronic Transmission of Absentee Ballot.

SPECIFIC AUTHORITY: 101.697 FS.

LAW IMPLEMENTED: CS for SB 2566

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

TIME AND DATE: 10:00 a.m., June 4, 2004

PLACE: Collins Building, 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Marielba Torres, (850)245-6200, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marielba Torres, 107 West Gaines Street, Suite 100, Tallahassee, Florida, (850)245-6200, e-mail: MTorres@dos.state.fl.us

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish
RULE CHAPTER NO.: 5L-1

Control Code
RULE TITLES: Shellfish Harvesting Area Standards
5L-1.003

Container Identification, Terminal
5L-1.007

Sale Date; Prohibitions
PURPOSE AND EFFECT: These amendments propose to reclassify the Horseshoe Beach shellfish harvesting area in Dixie County, the Cedar Key shellfish harvesting area in Levy County, the Waccasassa Bay shellfish harvesting area in Levy

County, the Withlacoochee Bay shellfish harvesting area in Levy and Citrus Counties, the Boca Ciega Bay shellfish harvesting area in Pinellas and Hillsborough Counties, the Lower Tampa Bay shellfish harvesting area in Manatee and Hillsborough Counties, the Sarasota Bay shellfish harvesting area in Sarasota and Manatee Counties, and the Ten Thousand Islands shellfish harvesting area in Collier County. Sanitary surveys have been conducted that evaluate current information on pollution sources and bacteriological water quality, and recommend reclassification of the Horseshoe Beach, Cedar Key, Waccasassa Bay, Withlacoochee Bay, Boca Ciega Bay, Lower Tampa Bay, Sarasota Bay, and Ten Thousand Islands shellfish harvesting areas. Additionally, the four-digit area codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Horseshoe Beach, Cedar Key, Waccasassa Bay, Withlacoochee Bay, Boca Ciega Bay, Lower Tampa Bay, Sarasota Bay, and Ten Thousand Islands shellfish harvesting areas.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the Horseshoe Beach, Cedar Key, Waccasassa Bay, Withlacoochee Bay, Boca Ciega Bay, Lower Tampa Bay, Sarasota Bay, and Ten Thousand Islands shellfish harvesting areas for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable and natural shellfish resources. If an illness outbreak occurs, the updated four-digit harvest area codes will provide for tracing of the shellfish back to where the shellfish were harvested.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE HORSESHOE BEACH SHELLFISH HARVESTING AREA AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:30 p.m. - 8:30 p.m., Thursday, June 10, 2004

PLACE: Dixie County Courthouse, 401 North Cedar Street, Commissioners Boardroom, Cross City, Florida

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE CEDAR KEY, WACCASASSA BAY, AND WITHLACOOCHEE BAY SHELLFISH HARVESTING AREAS AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:00 p.m. - 8:00 p.m., Tuesday, June 8, 2004

PLACE: Florida Fish and Wildlife Conservation Commission Cedar Key Field Laboratory, 11350 Southwest 153rd Court, Conference Room, Cedar Key, Florida

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE BOCA CIEGA BAY, LOWER TAMPA BAY, AND SARASOTA BAY SHELLFISH HARVESTING AREAS AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 5:00 p.m. – 7:00 p.m., Wednesday, June 23, 2004

PLACE: Manatee County Central Library, 1301 Barcarrota Boulevard West, Meeting Room, Bradenton, Florida

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE TEN THOUSAND ISLANDS SHELLFISH HARVESTING AREA AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 5:00 p.m. – 7:00 p.m., Thursday, June 17, 2004

PLACE: Everglades City Hall, 102 Broadway Avenue, East, Council Room, Everglades City, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David Heil, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-5471

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

DEPARTMENT OF EDUCATION

RULE TITLE: Educational Facilities RULE NO.: 6-2.001

PURPOSE AND EFFECT: To review proposed revisions to rules for public educational facilities to ensure consistency with class size reduction requirements pursuant to Section 1 of Article IX of the State Constitution as amended November 2002 limiting the maximum number of students assigned to a teacher in core-curricula classrooms to 18 in grades PK-3, 22 in grades 4-8, and 25 in grades 9-12.

SUBJECT AREA TO BE ADDRESSED: State educational facilities rule [State Requirements for Educational Facilities (SREF)] relating to class size reduction, including Section 6.1, Size of Space and Occupant Design Criteria Table.

SPECIFIC AUTHORITY: Section 1(a) Article IX, State Constitution, Sections 1001.02(1), 1013.02(2), 1013.37 FS.

LAW IMPLEMENTED: Section 1(a) Article IX, State Constitution, Sections 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1301.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m. – 4:30 p.m., June 21, 2004

PLACE: Department of Education, Turlington Building, 17th Floor, 325 West Gaines Street, Tallahassee, Florida 32399-0400

TIME AND DATE: 9:00 a.m. – 12:00 Noon, June 23, 2004

PLACE: AmeriSuites, Orlando Airport/Northwest, 5435 Forbes Place, Orlando, Florida 32812

TIME AND DATE: 9:00 a.m. – 12:00 Noon, June 25, 2004

PLACE: Best Western Rolling Hills Resort, 3501 West Rolling Hills Circle, Fort Lauderdale, Florida 33328

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Charles L. Wooten, Acting Director, Office of Educational Facilities, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Aircraft, Boats, Mobile Homes, and Motor Vehicles	12A-1.007
Tax Due at Time of Sale; Tax Returns and Regulations	12A-1.056
Rentals, Leases, or License to Use Tangible Personal Property	12A-1.071
Public Use Forms	12A-1.097

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.007, F.A.C. (Aircraft, Boats, Mobile Homes, and Motor Vehicles), is to: (1) clarify how a registered dealer may purchase items exclusively for purposes of lease or rental tax-exempt; (2) provide guidelines on the lease or rental of commercial motor vehicles; (3) provide guidelines for the lease or rental of motor vehicles for periods of less than 12 months and for periods of 12 months or longer; and (4) clarify when separately itemized charges for insurance, fuel, and fuel option charges are included in the total amount of the lease or rental charge subject to tax.

The purpose of the proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to: (1) reorganize the rule for ease of reading guidelines on due dates for payments and tax returns, the collection allowance, requirements for estimated tax, the imposition of penalties, and the imposition of interest; (2) provide guidelines for dealers who maintain records on a period other than a monthly basis on how to request a variation from monthly filing and remittance of the tax; (3) provide guidelines to dealers who operate two or more places of business in a single county on how to obtain a county control number for reporting purposes; (4) provide guidelines to taxpayers who operate two or more places of business on how to obtain a consolidated reporting number and how to file

consolidated sales and use tax returns; (5) provide that dealers are required to file a return for each tax reporting period even when no tax is due; (6) provide that the failure to secure a return does not relieve the dealer's liability for filing the return or remitting the tax; (7) provide guidelines regarding the collection allowance for consolidated returns and for returns filed using a county control number; (8) remove an unnecessary example of the collection allowance; (9) provide guidelines on when the collection allowance will be denied by the Department for the filing of an incomplete return; (10) provide guidelines regarding the requirements to pay estimated tax and the penalties imposed for failure to timely pay estimated tax; (11) provide a single set of guidelines for the imposition of penalties and interest for sales and use taxes, discretionary sales surtax, surcharges, or fees imposed by or administered under Chapter 212, F.S.; (12) provide guidelines regarding the imposition of the penalties imposed under Section 212.12(2), F.S., as amended by Section 20, Ch. 2003-254, L.O.F., for failure to timely pay the tax or fee shown due on a return, for failure to timely file a return, and failure to disclose a tax or fee due; and (13) provide guidelines on how the penalties apply to taxpayers who file consolidated returns or file returns using county control reporting numbers.

The purpose of the proposed amendments to Rule 12A-1.071, F.A.C. (Rentals, Leases, or License to Use Tangible Personal Property), is to: (1) clarify how a registered dealer may purchase items exclusively for purposes of lease or rental tax-exempt; (2) remove provisions regarding leased commercial motor vehicles that will be provided in Rule 12A-1.007(13), F.A.C., as amended; (3) remove provisions regarding purchases for resale that are provided in Rule 12A-1.039, F.A.C.; and (4) provide technical changes.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms): is to: (1) adopt, by reference, new forms and changes to forms used by the Department in the administration of sales and use tax; and (2) provide technical changes for guidelines on obtaining forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject areas of the workshop are the proposed guidelines regarding: (1) the lease or rental of commercial motor vehicles and the lease or rental of motor vehicles for periods of less than 12 months and for periods of 12 months or longer; (2) how dealers obtain authorization to report sales and use tax using consolidated returns or county control numbers from the Department; (3) the sales and use tax collection allowance; (4) estimated tax and the penalties imposed for failure to pay estimated tax; (5) penalties imposed under Section 212.12(2), F.S., as amended by Section 20, Ch. 2003-254, L.O.F., for failure to timely pay the tax or fee shown due on a return, for failure to timely file a return, and failure to disclose a tax or fee due; and (6) the

adoption, by reference, of new forms and changes to forms used by the Department in the administration of sales and use tax.

SPECIFIC AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.05(1), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4.,(7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2),(3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2),(7) FS.

LAW IMPLEMENTED: 92.525(1)(b),(3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2),(3),(6),(16),(24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0506, 212.0515, 212.054, 212.055, 212.06, 212.0601, 212.0606, 212.07(1),(2),(7),(8),(9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11, 212.12(1),(2), (3),(4),(5),(9),(12),(13), 212.13, 212.14(2),(5), 212.15(1), 212.17, 212.18(2),(3), 213.235, 213.29, 213.255(1),(2),(3), 213.37, 213.755, 215.26(2), 219.07, 288.1258, 370.07(3), 373.41492, 376.70, 376.75, 402.61, 403.717, 403.718, 403.7185, 443.036, 443.121(1),(3), 443.131, 443.1315, 443.1316, 443.171(2),(7), 681.117 FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles.

(1) through (12) No change.

(13) Lease or Rental.

(a) The rental or lease of an aircraft, boat, mobile home, or motor vehicle, which is used or stored in this state, is subject to tax shall be taxable without regard to its prior use or tax paid on the purchase outside this state. The lessor is required to be registered as a dealer and to collect tax on the total amount of the lease or rental charges.

~~2.(b)1. The purchase by a registered dealer of an aircraft, boat, mobile home, or motor vehicle exclusively for lease or rental purposes is may be made tax exempt when the purchaser/lessor issues a resale certificate to the dealer at the time of purchase in lieu of paying tax. The purchasing dealer is required to issue the selling dealer a copy of the purchasing dealer's Annual Resale Certificate at the time of purchase in lieu of paying tax, as provided in Rule 12A-1.039, F.A.C. The lessor shall collect tax from his customers on the total rental charge.~~

~~2. In the case of commercial motor vehicles which are self-propelled or towed and used on the public highways in commerce to transport persons or cargo having a gross weight of 10,000 pounds or more, when the term of the lease or rental to any lessee is for a period of 12 months or more, the owner/lessor may pay the Florida tax on the acquisition of the motor vehicle. In such cases, the rental to the initial lessee and renewals thereof to the same lessee are not subject to the rental tax. The rental of the same commercial motor vehicle to subsequent lessees by the owner/lessor is taxable.~~

(b) Commercial Motor Vehicles.

1. For purposes of this paragraph, the term "commercial motor vehicle," as defined in Section 316.003(66)(a), F.S., means any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle has a gross vehicle weight rating of 10,000 pounds or more.

2. The lease or rental of a commercial motor vehicle to one lessee or renter for a period of 12 months or longer, and any renewals of such lease or rental, is exempt when:

a. Sales or use tax is paid on the purchase price of the commercial motor vehicle by the lessor; and

b. The lease or rental of the commercial motor vehicle is an established business or part of an established business or the commercial motor vehicle is incidental or germane to such business.

3. A credit against any Florida use tax and discretionary sales surtax due when the commercial motor vehicle is registered, licensed, or titled in Florida will be allowed to any purchaser who provides documentary evidence that a like tax has been lawfully imposed on the purchase of the commercial motor vehicle and has been paid to another state, territory of the United States, or District of Columbia. The credit allowed shall be the amount of legally imposed like tax paid to the other state, territory of the United States, or District of Columbia. When the applicable tax credit is equal to or greater than the amount of Florida use tax and discretionary sales surtax due, no additional use tax or discretionary sales surtax is due. When the tax paid to another state, territory of the United States, or District of Columbia is greater than the Florida use tax and discretionary sales surtax due, no refund is due from the State of Florida.

4. The lease or rental of the same commercial motor vehicle to any other lessee or renter is subject to tax.

(c) Motor Vehicle Leased or Rented for Less Than 12 Months. The subsequent sale of the motor vehicle by the owner/lessor is taxable, except when the vehicle is sold for resale.

1. The entire charge for the lease or rental of a motor vehicle for a period of less than 12 months is subject to tax when the contract to lease or rent a motor vehicle is entered into in Florida or the motor vehicle is delivered or picked up in Florida at the commencement of the lease or rental term. Florida sales tax is due during the entire lease period even when the vehicle is used in another state or dropped off in another state or the payment for the lease or rental is made in another state.

2. The entire charge for the lease or rental of a motor vehicle for a period of less than 12 months is exempt when the contract to lease or rent a motor vehicle is entered into in another state and the motor vehicle is not delivered or picked up in Florida at the commencement of the lease or rental term. This exemption applies even when the leased or rented motor vehicle is used in Florida or dropped off in Florida or the payment for the lease or rental is made in Florida.

(d) Motor Vehicle Leased or Rented for 12 Months or Longer.

1. The lease or rental of a motor vehicle registered in Florida for a period of 12 months or longer is subject to tax. A rental car agency should charge the rental tax to its customers on the total rental charge, including any charge for insurance, except for a policy issued to the customer by a licensed insurance company for which a specific charge is made.

2. When the taxpayer documents that a vehicle registered in Florida is being used outside Florida and that tax is being paid on the lease or rental payments to another state, no tax is due on the lease or rental of the motor vehicle. The taxpayer must maintain copies of invoices or similar documents evidencing that the lessor is collecting another state's sales tax from the lessee or copies of cancelled checks evidencing that the taxpayer has self-accrued and paid another state's sales tax directly to that state. Where a "collision damage waiver" fee is paid by a customer (lessee) to the lessor of a vehicle for the lessor's waiver of all claims against the customer for damage to the leased vehicle and the fee is not required as a condition of the lease, the fee, when separately stated, does not constitute rent and is not taxable.

3. When a motor vehicle that is leased or rented outside Florida is imported into Florida and registered or licensed in Florida, tax is due on the amount of the monthly lease payments. A credit against the Florida tax and discretionary sales surtax due will be allowed for any lawfully imposed sales or use tax paid to another state, territory of the United States, or District of Columbia when all the following conditions are met: Where a "personal accident insurance" fee is paid by a

customer (lessee) to the lessor of a vehicle, which fee covers personal injuries, and the fee is not required as a condition of the lease, the fee, when separately stated, does not constitute rent and is not taxable.

a. The other state, territory of the United States, or District of Columbia requires the lawfully imposed sales or use tax to be paid at the time of lease or rental on the total lease or rental payments due under the terms of the lease or rental agreement;

b. The tax must be lawfully imposed on the lessee. A credit will not be allowed for tax paid to another state, territory of the United States, or District of Columbia when the sales or use tax is lawfully imposed on the lessor, even though the lessee may be contractually obligated to reimburse the lessor;

c. The other state, territory of the United States, or District of Columbia does not allow a refund of the sales or use tax paid at the inception of the lease or rental agreement if the motor vehicle is removed from that state, territory of the United States, or District of Columbia; and

d. The lessee provides documentary evidence that the like tax lawfully imposed on the sale or use of the motor vehicle has been paid to another state, territory of the United States, or District of Columbia.

4. The credit allowed against any Florida use tax and discretionary sales surtax due when the motor vehicle is licensed or registered in Florida is the amount of legally imposed like tax paid to the other state, territory of the United States, or District of Columbia. When the applicable tax credit is equal to or greater than the amount of Florida use tax and discretionary sales surtax due, no additional use tax or discretionary sales surtax is due. When the tax paid to another state, territory of the United States, or District of Columbia is greater than the Florida use tax and discretionary sales surtax due, no refund is due from the State of Florida.

(e) Charges for the Lease or Rental of Motor Vehicles.

1. Charges for Insurance. Any separately itemized charge or fee for insurance coverage required to be paid by the lessee or renter is subject to tax. When the lessee or renter has the option to elect insurance coverage, any separately itemized charge or fee for the optional insurance coverage is not subject to tax. For example, a separately itemized charge for a "collision damage waiver fee" that is optional to the lessee or renter for the lessor's waiver of all claims against the lessee or renter for damage to the motor vehicle is not subject to tax. A separately itemized charge for a "personal accident insurance fee" that is optional to the lessee or renter for personal injury coverage is not subject to tax. Parts and materials used to maintain, repair, rebuild, and recondition aircraft, boats, and motor vehicles, which are used exclusively for rental purposes, are exempt where tax is charged on the rental of such vehicles. Likewise exempt when the rentals are subject to the tax are polishes, lubrication oils, and greases used in their operation when purchased by the owner-lessor of the vehicles. All items

~~above are subject to the tax when the owner-lessor of motor vehicles is not required to charge tax on the rentals of the motor vehicles.~~

2. Charges for Fuel. Any separately itemized charge for fuels upon which the fuel taxes imposed under Chapter 206, F.S., have been paid are not subject to tax. However, when a separately itemized charge for a fuel purchase option (e.g., "FPO – Fuel Purchase Option") is required and no allowance is made for the amount of fuel remaining in the tank, the charge is not a charge for the price of fuel upon which the fuel taxes have been paid. Such separately itemized charges required to be paid for fuel purchase options are a part of the total lease or rental charges subject to tax. The taxable gross proceeds derived from the lease or rental of a vehicle shall not include the price of fuel on which the proper tax has been paid, provided that the fuel is separately stated from the rental or lease charge. If the price of the fuel is not separately stated from the rental or lease charge, it is considered to be a portion of the gross proceeds derived from the rental or lease and is fully taxable.

(f) When a taxicab company, limousine company, or any other transportation for hire company rents, leases, or grants a license to use a taxicab, limousine, other vehicle, dispatch equipment, or any other tangible personal property to an independent operator, the rental, lease, or license to use such property, as well as the dispatch and all other related services which are a part of the rental, lease, or license to use, the vehicle, dispatch equipment, or other tangible personal property, are not subject to sales tax. However, the exemptions provided under this paragraph only apply if the applicable Florida sales or use tax has been paid on the acquisition of the taxicab, limousine, other vehicle, dispatch equipment, or other tangible personal property.

(14) through (28) No change.

Specific Authority 212.05(1), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(4),(10),(14),(15),(16),(19),(20), 212.03, 212.05(1), 212.06(1),(2),(4),(5),(7),(8),(10),(12), 212.0601, 212.07(2),(7), 212.08(5)(i), (7)(t),(aa),(ee),(10),(11), 212.12(2),(12), 213.255(1),(2),(3), 215.26(2) FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, 8-18-73, 12-11-74, 6-9-76, Amended 2-21-77, 5-10-77, 9-26-77, 9-28-78, 3-16-80, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.07, Amended 1-2-89, 12-11-89, 3-17-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01, 8-1-02, 4-17-03, 4-17-03.

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

(1) DUE DATES FOR PAYMENTS AND TAX RETURNS.

(a) The total amount of tax on cash sales, credit sales, installment sales, or sales made on any kind of deferred payment plan shall be due at the moment of the transaction. Except as provided in Rule Chapter 12-24, F.A.C., Rules 12A-1.005, and 12A-1.070, F.A.C., and this rule, all taxes required under Chapter 212, F.S., to be collected or paid in any month, are due to the Department on the first day of the month following the date of sale or transaction. The payment and

return must be delivered to the Department or be postmarked on or before the 20th day of the month following the date of sale or transaction for a dealer to be entitled to the collection allowance and to avoid penalty and interest for late filing. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Ch. 683, F.S., and Section 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) When quarterly, semiannual ~~semi-annual~~, or annual reporting is authorized by the Department pursuant to Section 212.11(1)(c) or (d), F.S., the tax is due the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

(c) Quarterly, semiannual, or annual filers that remit an excessive tax payment for the period July 1 through June 30 which represents a nonrecurring business activity can request to continue to file their returns quarterly, semiannual ~~semi-annual~~, or annually by submitting a written request to the Florida Department of Revenue, Central Registration, Post Office Box 6480, Tallahassee, Florida 32314-6480. When a dealer makes a written request to continue on the same filing frequency, the Executive Director or the Executive Director's designee will determine whether the dealer's request is based on a nonrecurring business activity, based upon the facts of each case, using the following guidelines:

1. The type of activity. The type of activity, as opposed to the level of activity, that makes that dealer's remittance unusual for its particular business.

2. The focus of the dealer's business. A change in the dealer's business focus will not be considered nonrecurring business activity.

3. The number of occurrences. When the dealer's remittance amount continues to exceed the maximum amount allowed for a quarterly, semi-annual, or annual filing frequency, the remittance will not be considered nonrecurring.

4. Regularity. If the events are so regular that the amounts exceeding the maximum remittance amounts allowed for a quarterly, semi-annual, or annual frequency can be predicted, the remittance will not be considered nonrecurring.

(d)1. A dealer who maintains records on a period other than a monthly basis can request a variation from monthly filing and remittance of the tax by submitting a written request

to the Florida Department of Revenue, Return Reconciliation, Building F-3, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100. The written request must contain:

- a. The name of the business;
- b. The business mailing address;
- c. The dealer's certificate of registration number;
- d. A detailed explanation of the problems associated with filing on a monthly basis; and
- e. The beginning and ending month, day, and year of each requested reporting period.

2. When the Executive Director or the Executive Director's designee determines that the information required for the making of an accurate return cannot reasonably be compiled by a taxpayer on a calendar month basis, the Executive Director or the Executive Director's designee will notify the dealer in writing that the deviation from monthly filing of returns and remitting of tax is authorized. Such payments and returns are due on the first day succeeding the end of the designated reporting period and become delinquent on the twenty-first day succeeding the end of the reporting period.

(e) Any dealer who operates two or more places of business in a single county for which returns are required to be filed with the Department may file a single return using a county control reporting number for all places of business located within a single county in lieu of separate returns for each place of business. The dealer may also use this method to file returns in more than one county. A dealer who wishes to report the amounts collected within each county in a single return may obtain a county control reporting number for each county in which returns are required to be filed by submitting a written request to the Florida Department of Revenue, Return Reconciliation, Building F-3, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100. The written request must contain:

- a. The name of the business;
- b. The business mailing address;
- c. Each county in which the dealer will be reporting using a county control reporting number; and
- d. A list, by county, of each dealer's certificate of registration number.

(f) Any dealer who operates two or more places of business for which returns are required to be filed with the Department and maintains records for such places of business in a central office or place may file a consolidated return for all places of business in lieu of separate returns for each place of business. The consolidated return must clearly indicate the amounts collected within each county. An Application for Sales and Use Tax Consolidated Filing Number (form DR-1CON, incorporated by reference in Rule 12A-1.097, F.A.C.) is provided for qualifying dealers who wish to file consolidated returns. The Department will issue a consolidated account number to qualified dealers.

(g) Each dealer is required to file a return for each tax reporting period even when no tax is due for that reporting period.

(h) The failure of any dealer to secure a tax return for reporting tax due does not relieve the dealer from the requirement to file a return or to remit tax due to the Department. The Department is not authorized to extend the time for any dealer to file any return or pay any tax due.

(i)(d) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;
2. Any return for reporting taxes is required to be submitted by electronic means; or
3. No tax is due with a return for reporting taxes.

(2) Penalties and interest will be assessed in the following manner on estimated tax liabilities for dealers who are eligible to file a consolidated return:

(a) In computing the penalty on a consolidated tax return, where the consolidated return provides the monthly business activity for each location or for each county, the 10 percent specific penalty for underpayment of estimated tax applies unless the dealer has paid the required estimated tax for his consolidated return as a whole without regard to each location. If the dealer fails to pay the required estimated tax for his consolidated return as a whole, each filing location shall stand on its own with respect to calculating these penalties and interest.

(b) When a dealer files a combined return for multiple locations within one county using only one registration number, the 10 percent specific penalty for underpayment of estimated tax shall be computed on the basis of a single return.

(3) The following are not required to be included in computing the estimated tax liability due and payable:

(a) Any local option sales tax, such as the tourist development tax levied under authority of Section 125.0104, F.S.; the tourist impact tax levied under the authority of Section 125.0108, F.S.; the convention development tax levied under authority of Section 212.0305, F.S.; or the discretionary sales surtaxes levied under authority of Section 212.055, F.S.

(b) The rental car surcharge levied under the authority of Section 212.0606, F.S.

(c) Any solid waste fee, such as the new tire fee levied under the authority of Section 403.718, F.S., or the lead-acid battery fee levied under authority of Section 403.7185, F.S.

(d) The motor vehicle warranty fee levied under the authority of Section 681.117, F.S.

(4)(a) The Executive Director or the Executive Director's designee in Return Reconciliation is authorized to allow a dealer who is required to file returns and pay tax due on a monthly basis to divide a year into different reporting periods when such dealer has shown that he maintains his records on a

~~period other than a monthly basis. A dealer requesting a variation from monthly filing and remitting of the tax due must direct such request to the Florida Department of Revenue, Return Reconciliation, Building F-3, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100. The request must be in writing and shall provide:~~

- ~~1. A detailed explanation of the problems associated with filing on a monthly basis;~~
- ~~2. The beginning and ending day, month, and year of each respective reporting period;~~
- ~~3. The trade name of the business;~~
- ~~4. The business mailing address; and,~~
- ~~5. The dealer's certificate of registration number assigned by the Department of Revenue.~~

~~(b) If the Executive Director or the Executive Director's designee in Return Reconciliation determines that the information required for the making of an accurate return cannot reasonably be compiled by a taxpayer on a calendar month basis, the Executive Director or the Executive Director's designee in the Return Reconciliation will notify the dealer in writing that the deviation from monthly filing of returns and remitting of tax is authorized. Such returns shall be due and payable on the first day succeeding the end of the reporting period and shall be delinquent on the twenty-first day succeeding the end of the reporting period.~~

(2)(5)(a) COLLECTION ALLOWANCE.

(a) As compensation for the prescribed record keeping, accounting for, and remitting taxes or fees on the same documents utilized for sales and use tax, such seller, person, lessor, dealer, owner, and remitter shall be allowed a collection allowance.

(b) The collection allowance (except for dealers who make mail order sales, see subsection (5) of Rule 12A-1.103-12A-1.103(5), F.A.C.) shall be computed at the rate of 2.5 percent on the first \$1,200 of tax due. There shall be no additional collection allowance authorized for tax collected in excess of \$1,200. Therefore, the maximum amount of collection allowance authorized for any filing period shall be \$30.

2. Example: Dealer C files a return on August 20, 1992, for the month of July 1992. The collection allowance for that reporting period would be 2.5 percent of the first \$1,200 of tax with no additional collection allowance permitted on any amounts in excess of \$1,200.

(c) Dealers operating more than one place of business and filing under a consolidated tax return, where the consolidated return provides the monthly business activity for each location, are allowed the collection allowance for each reporting and registered location. Dealers who report tax collected within each county using a county-control number are However, a dealer filing a combined return for multiple locations using

~~only one registration number shall be entitled to the collection allowance based upon the total amount reported on the county-control reporting number.~~

~~(d) The collection allowance will shall not be allowed when: if the tax is delinquent at the time of payment or where there is a manifest failure to maintain proper records or make proper prescribed reports.~~

~~1. The tax reported on the return is delinquent at the time of payment;~~

~~2. The required tax return is delinquent; or~~

~~3. The required tax return filed is incomplete. An "incomplete return" is a return that lacks such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return, or determination of other taxes and fees reported on the return may not be readily accomplished.~~

~~(e) The collection allowance and other credits or deductions shall be applied proportionally to any other taxes reported on the same documents used for sale and use tax purposes.~~

(3) ESTIMATED TAX.

(a) Each dealer who paid sales and use tax for the preceding state fiscal year (July 1 through June 30) in an amount greater than \$200,000 is required to remit estimated tax, as provided in Section 212.11(4), F.S. The methods to calculate the dealer's estimated tax liability are provided in Section 212.11(1)(a), F.S.

(b) Any dealer who files a consolidated return to report the business activity of multiple places of business must calculate the estimated tax under one of the methods provided in Section 212.11(1)(a), F.S., for each county or each reporting location, and use the same method to calculate the estimated tax liability on the consolidated return as a whole.

(c) The following are not required to be included in computing the estimated tax liability:

1. Any local option sales tax, such as the tourist development tax levied under authority of Section 125.0104, F.S.; the tourist impact tax levied under the authority of Section 125.0108, F.S.; the convention development tax levied under authority of Section 212.0305, F.S.; or the discretionary sales surtaxes levied under authority of Section 212.055, F.S.

2. The rental car surcharge levied under the authority of Section 212.0606, F.S.

3. Any solid waste fee, such as the new tire fee levied under the authority of Section 403.718, F.S., or the lead-acid battery fee levied under authority of Section 403.7185, F.S.

4. The motor vehicle warranty fee levied under the authority of Section 681.117, F.S.

(d) A dealer engaged in the business of selling boats, motor vehicles, or aircraft that made at least one sale of a boat, motor vehicle, or aircraft with a sales price of \$200,000 or greater in the previous state fiscal year may qualify for the payment of estimated tax pursuant to Section 212.11(4)(d), F.S.

To qualify, such dealer must apply annually to the Department, using a Boat, Motor Vehicle, or Aircraft Dealer Application for Special Estimation of Taxes (form DR-300400, incorporated by reference in Rule 12A-1.097, F.A.C.). The application must be delivered to the Department or be postmarked on or before October 1 of each year. The Department will grant to all qualified dealers the authority to pay estimated tax pursuant to Section 212.11(4)(d), F.S., for the following calendar year.

(e) Penalties – Failure to Pay Estimated Tax.

1. Any person who fails to timely remit the amount of estimated tax due under Section 212.11(4), F.S., is subject to a specific penalty of 10 percent of any unpaid estimated tax.

2. Any dealer who files a consolidated tax return and fails to timely remit the amount of estimated tax due based on the consolidated return as a whole, without regard to each business location, is subject to the specific penalty of 10 percent of any unpaid estimated tax. The specific penalty will be calculated based on any unpaid estimated tax due for each reporting business location.

(4) PENALTIES AND INTEREST.

(a) The penalties and interest provided in this subsection apply to the following sales and use taxes, discretionary sales surtax, surcharges, or fees imposed by or administered under Chapter 212, F.S.:

1. Apalachicola Bay oyster surcharge;

2. Convention development tax;

3. Discretionary sales surtax;

4. Lead-acid battery fee;

5. Miami-Dade County Lake Belt mitigation fee;

6. Motor vehicle warranty fee (lemon law fee);

7. Rental car surcharge;

8. Sales and use tax;

9. Tax on gross receipts on dry-cleaning;

10. Tax on perchloroethylene;

11. Tourist development tax;

12. Tourist impact tax; and

13. Waste tire fee.

(b) Failure to Timely File a Return. Any person who fails to timely file any return that is required to report any tax, surtax, surcharge, or fee imposed by or administered under Chapter 212, F.S., is subject to a specific penalty of 10 percent of the amount of tax, surtax, surcharge, or fee shown on the return. This specific penalty may not be less than \$50 for each reporting business location.

(c) Failure to Timely Pay. Any person who fails to timely pay any tax, surtax, surcharge, or fee imposed by or administered under Chapter 212, F.S., shown due on a return is subject to a specific penalty of 10 percent of the amount of the tax, surtax, surcharge, or fee shown due on the return. This specific penalty may not be less than \$50 for each reporting business location.

(d) Failure to Timely to File a Return and to Timely Pay. Any person who files a required return with the Department, but fails to file such return on or before the due date, and fails to timely pay the tax, surtax, surcharge, or fee shown due on the return, is subject to only one specific penalty of 10 percent of the tax, surtax, surcharge, or fee shown due on the return. This specific penalty may not be less than \$50 for each reporting business location.

(e) Consolidated Returns and Reporting by County-Control Numbers. The specific penalty for failure to timely file a tax, surtax, surcharge, or fee return, or for failure to timely pay the tax, surcharge, surtax, or fee shown due on a return, is calculated based on each reporting business location. The \$50 minimum applies to each reporting business location.

(f) Failure to Disclose. Any person required to make a return or to pay any tax, surtax, surcharge, or fee imposed by or administered under Chapter 212, F.S., who fails to disclose the tax, surtax, surcharge, or fee on a return, is subject to a specific penalty in the amount of 10 percent of the unpaid tax, surtax, surcharge, or fee for each 30 days, or fraction thereof, while the failure to disclose the tax, surtax, surcharge, or fee due continues. This specific penalty may not exceed a total of 50 percent of any such unpaid tax, surtax, surcharge, or fee.

~~(6) The failure of any dealer to secure a tax return for reporting tax due does not relieve the dealer from the requirement to file a return or to remit tax due to the Department. The Department is not authorized to extend the time for any dealer to file any return or pay any tax due.~~

~~(g)(7)(a) Interest shall accrue on any delinquent sales or use tax, surtax, surcharge, or fee imposed by or administered under Chapter 212, F.S., at the following rate:~~

- ~~1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~
- ~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).~~
- ~~3. Interest accrues on the amount due from the date of delinquency until the date on which the tax is paid.~~

~~(b) Interest shall accrue for the failure to timely remit the proper estimated tax liability at the following rate:~~

- ~~1. One percent per month (prorated daily using the daily factor of .000328767) for estimated tax due prior to January 1, 2000.~~
- ~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily.)~~
- ~~3. Interest accrues on the amount due from the date of delinquency until the date on which the tax is paid.~~

~~(8) In computing the minimum delinquent penalty on a consolidated tax return, where the consolidated return provides the monthly business activity for each location or for each county, the \$10 minimum delinquent penalty applies to each~~

~~reporting and registered location. However, when a dealer files a combined return from multiple locations in a single county, using only one registration number, the minimum delinquent penalty shall be computed on the basis of a single return.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g), 125.0108(2)(a), 212.03(2), 212.0305(3)(c), 212.031(3), 212.04(3),(4), 212.0506(4),(11), 212.055, 212.06(1)(a), 212.0606, 212.11, 212.12(1),(2),(3),(4),(5), 212.14(2), 212.15(1), 213.235, 213.755, 370.07(3), 373.41492, 376.70, 376.75, 403.718, 403.7185, 681.117 FS. History—Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 9-24-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01, 4-17-03,_____.

12A-1.071 Rentals, Leases, or License to Use Tangible Personal Property.

(1) No change.

~~(2)(a) Tangible personal property purchased exclusively for leasing purposes by a dealer registered with the Department at the time of purchase may be purchased tax-exempt, providing the lessor is registered with the Department as a dealer at the time of purchase and issues the vendor a valid resale certificate in lieu of tax. The purchasing dealer is required to issue a copy of the dealer's Annual Resale Certificate to the selling dealer at the time of purchase in lieu of paying tax, as provided in Rule 12A-1.039, F.A.C. Any purchases made prior to the time of registration as a dealer are subject to tax.~~

~~2. In the case of commercial motor vehicles having a gross weight of 10,000 pounds or more which are self propelled or towed and used on the public highways in commerce to transport persons or cargo, when the term of the lease or rental to the initial lessee is for a period of 12 months or more, the owner/lessor may pay the Florida tax on the acquisition of the motor vehicle. In such cases, the rental to the initial lessee and renewals thereof to the same lessee are not subject to the rental tax. The rental of the same commercial motor vehicle to subsequent lessees by the owner/lessor is taxable.~~

(b) No change.

(3) through (7) No change.

~~(8) Repair parts purchased for use in the maintenance of tangible personal property used exclusively for leasing purposes are exempt when purchased by the lessor. When purchased by the lessee, they are taxable. Charges by the lessor to a lessee for repairing property which is not a part of the lease contract are taxable. Charges to the lessee by a third party for repairing the leased property are taxable. (See Rule 12A-1.007 for repairs to leased motor vehicles.)~~

(9) through (47) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1),(4),(10)(g),(12),(14)(a),(15)(a),(16),(19), 212.04, 212.05(1)(c),(d), (f),(h),(i), 212.06(1)(a),(2)(e),(8), 212.08(7)(e),(f),(v),(y), 212.11(2),(3), 212.12(9), 212.18(2), 402.61 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 12-31-81, 7-20-82, Formerly 12A-1.71, Amended 1-2-89, 10-5-92, 11-16-93, 8-15-94, 10-17-94, 3-20-96, 8-1-02, 6-12-03,_____.

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) Copies of these forms, except those denoted by an asterisk (*), are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at (850)922-2208; or 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 4 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 5 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com /dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

(b) No change.

Form Number	Title	Effective Date
(2)(a) DR-1	Application to Collect and/or Report Tax in Florida (R. <u>01/04 01/03</u>)	<u>04/03</u>
(b) DR-1CON	<u>Application for Sales and Use Tax Consolidated Filing Number (R. 03/04)</u>	_____
(3)	No change.	_____
(4) DR-5	Application for Consumer's Certificate of Exemption with Instructions (R. <u>11/03 02/03</u>)	<u>04/03</u>
(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <u>01/04 01/03</u>)	<u>04/03</u>
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <u>01/04 01/03</u>)	<u>04/03</u>
(6)(a) DR-15	Sales and Use Tax Return (R. <u>01/04 01/03</u>)	<u>04/03</u>
(b) DR-15CS	Sales and Use Tax Return (R. <u>01/04 01/03</u>)	<u>04/03</u>
(c) DR-15CSN	DR-15 Sales and Use Tax Returns Instructions for <u>2004 2003</u> (R. <u>01/04 01/03</u>)	<u>04/03</u>
(d) DR-15EZ	Sales and Use Tax Return (R. <u>01/04 01/02</u>)	<u>08/02</u>
(e) DR-15EZN	Instructions for <u>2004 2002</u> DR-15EZ Sales and Use Tax Returns (R. <u>01/04 01/02</u>)	<u>08/02</u>
(f) through (g)	No change.	_____

(h) DR-15N Instructions for 2004 2003 DR-15 Sales and Use Tax Returns (R. 01/04 01/03) 04/03

(i) through (n) No change.

(7) through (21) No change.

(22) DR-300400 Boat, Motor Vehicle, or Aircraft Dealer Application for Special Estimation of Taxes (R. 06/99) _____

(23)(22) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2),(3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2),(7) F.S. Law Implemented 92.525(1)(b),(3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2),(3),(6),(16),(24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1),(8),(9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1),(4),(5), 212.12(1),(2),(9),(13), 212.13, 212.14(5), 212.17, 212.18(2),(3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1),(3), 443.131, 443.1315, 443.1316, 443.171(2),(7) FS. History-New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Reporting and Remitting Fees
 RULE NO.: 12A-12.004
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-12.004, F.A.C. (Reporting and Remitting Fees), is to: (1) provide guidelines to taxpayers who operate two or more places of business in a single county on how to report the new tire fee and the lead-acid battery fee when the taxpayer has obtained a county control number for reporting sales and use tax; (2) provide guidelines to taxpayers who operate in two or more counties on how to report the new tire fee and the lead-acid battery fee when the taxpayer has obtained a consolidated reporting number for reporting sales and use tax; (3) provide that returns are required for each reporting period even when no fee is due for that reporting period; (4) consolidate guidelines for penalties and interest imposed on the fees levied on new tires and lead-acid batteries sold at retail, which are administered under Chapter 212, F.S., into Rule 12A-1.056, F.A.C.; and (5) remove provisions from Rule 12A-12.004, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.
 SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed guidelines regarding the filing of returns, the remittance of the fees levied on new tires and lead-acid batteries sold at retail, and the consolidation of the guidelines for the imposition of penalties and interest into Rule 12A-1.056, F.A.C.
 SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS.
 LAW IMPLEMENTED: 212.12(2), 213.755, 403.718, 403.7185 FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-12.004 Reporting and Remitting Fees.

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

(c) Any dealer who operates two or more places of business in a single county for which returns are required and who has obtained a county control reporting number from the Department for purposes of reporting sales and use tax must report the new tire fee and the lead-acid battery fee for all places of business located within a single county return using the county control reporting number.

(d) Any dealer who operates places of business in two or more counties for which returns are required and who has obtained a consolidated reporting number from the Department for purposes of reporting sales and use tax must report the new tire fee and the lead-acid battery fee for all places of business using the consolidated reporting number.

(e) For information on how to obtain a county control reporting number or a consolidated reporting number for purposes of sales and use tax, see subsection (1) of Rule 12A-1.056, F.A.C.

(f) Each dealer is required to file a return for each reporting period even when no fee is due for that reporting period.

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

(2) No change.

~~(3)(a) Interest on delinquent fees shall be at the following rate:~~

~~1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).~~

~~(b) Interest accrues based upon the amount of the fee no paid from the date the fee is due until the fee is paid.~~

(3)(4) Persons who are required to make a return or to pay fees imposed by Sections 403.718 and 403.7185, F.S., and administered under Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS. Law Implemented 212.12(2), 213.755, 403.718, 403.7185 FS. History—New 1-2-89, Amended 10-16-89, 12-16-91, 4-12-94, 3-21-95, 3-20-96, 4-2-00, 6-19-01, 4-17-03, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Reporting and Remitting the Surcharge

RULE NO.: 12A-14.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-14.002, F.A.C. (Reporting and Remitting the Surcharge), is to: (1) adopt, by reference, changes to the form used by the Department in the administration of the oyster surcharge; (2) remove provisions for which Rule 12A-1.056, F.A.C., applies in its entirety to the oyster surcharge; (3) provide technical changes on guidelines for obtaining forms from the Department; (4) remove guidelines regarding estimated tax and the collection allowance that are provided in Rule 12A-1.056, F.A.C.; (5) provide that the failure of any dealer to secure a return for reporting the surcharge does not relieve the dealer from the requirement to file a return or to remit surcharge due; (6) consolidate guidelines for penalties and interest imposed on the tax levied on the surcharge, which is administered under Chapter 212, F.S., into Rule 12A-1.056, F.A.C.; and (7) remove provisions from Rule 12A-14.002, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed guidelines regarding the filing of returns, the remittance of the tax levied on the oyster surcharge, and the consolidation of the guidelines for the imposition of penalties and interest into Rule 12A-1.056, F.A.C.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS.

LAW IMPLEMENTED: 212.12(2), 213.235(2), 213.755, 376.70(3) FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-14.002 Reporting and Remitting the Surcharge.

~~(1) Except as stated in this rule, the requirements of Rule 12A-1.056, F.A.C., are applicable to the reporting and remitting of the oyster surcharge.~~

~~(1)(2)(a) No change.~~

(b) The surcharge shall be reported on ~~Form DR-15-O, the Apalachicola Bay Oyster Surcharge Return (R. 09/03 Form DR-15-O) dated December, 1994,~~ which is hereby incorporated by reference in this rule. Copies of this form are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, ~~4 5)~~ calling the Forms Request Line during regular office hours at (800)352-3671 ~~(in Florida only)~~ or (850)488-6800; or, ~~5 6)~~ downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

~~(3) The estimated tax calculation requirement shall not apply to the surcharge.~~

~~(4) A dealer's collection allowance for filing a timely return is not allowed.~~

~~(2)(5) The failure of any dealer to secure a return for reporting the surcharge does not relieve the dealer from the requirement to file a return or to remit surcharge due to the~~

~~Department. The As stated in subsection 12A-1.056(8), F.A.C., with reference to taxes, the Department is not authorized to extend the time to make any return or to pay the surcharge.~~

(3) Persons who are required to make a return or to pay the surcharge imposed under Section 370.07(3), F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

~~(6)(a) Interest shall accrue on any delinquent return at the following rate:~~

~~1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C., (prorated daily).~~

~~(b) Interest accrues on the amount due from the date of delinquency until the date on which the surcharge is paid.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 212.12(2), 213.235, 213.755, 370.07(3) FS. History—New 10-16-89, Amended 3-21-95, 3-20-96, 4-2-00, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Imposition and Payment of the Surcharge	12A-16.002
Surcharge Returns and Filing Requirements	12A-16.006
Public Use Forms	12A-16.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.002, F.A.C. (Imposition and Payment of the Surcharge), is to: (1) reorganize for easier reading provisions regarding the requirement for dealers to collect and remit the rental car surcharge; (2) provide that any person engaged in the business of leasing or renting for hire passenger motor vehicles is required to collect the rental car surcharge when the lease or rental payments are to be paid under the terms of the lease or rental agreement; (3) provide guidelines for when a renewal or extension of a lease will constitute a new lease for purposes of the imposition of the rental car surcharge; (4) provide when the lease or rental of a for hire passenger motor vehicle is subject to the surcharge for vehicles leased or rented for less than 12 months and for those leased or rented for more than 12 months; and (5) provide technical changes.

The purpose of the proposed amendments to Rule 12A-16.006, F.A.C. (Surcharge Returns and Filing Requirements), is to: (1) implement the provisions of Section 18, Ch. 2003-254, L.O.F., which requires dealers to report the surcharge revenues attributed to the county where the rental agreement was entered into; (2) define the phrase "where the rental agreement was entered into"; (3) provide which forms the Department uses in

its administration of the rental car surcharge; (4) provide guidelines to dealers who have obtained a consolidated reporting number or a county control reporting number on how to file returns for purposes of the rental car surcharge; (5) provide that dealers registered as out-of-state dealers and dealers who report for locations in two or more counties are required to file a schedule to report the number of days, by county, that all for hire passenger motor vehicles were leased or rented during the month; (6) provide that a return is required to be filed when no tax is due, but the rental car surcharge schedule is not required to be filed; (7) consolidate guidelines for penalties and interest imposed on the rental car surcharge into Rule 12A-1.056, F.A.C.; and (8) remove provisions from Rule 12A-16.006, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, new forms and changes to forms used by the Department in the administration of the rental car surcharge.

SUBJECT AREA TO BE ADDRESSED: The subject areas of this workshop are: (1) the proposed guidelines regarding the imposition and reporting of the rental car surcharge into Rule 12A-1.056, F.A.C.; (2) the consolidation of guidelines for penalties and interest on the rental car surcharge into Rule 12A-1.056, F.A.C.; and (3) the adoption, by reference, of new forms and changes to forms used by the Department in the administration of the rental car surcharge.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
LAW IMPLEMENTED: 212.05(1)(c), 212.06(1)(a), 212.0606, 212.07(2),(4),(8), 212.11, 212.12(2),(3),(4), 213.235, 213.755, 376.70, 403.717, 403.718, 403.7185 FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-16.002 Imposition and Payment of the Surcharge.

(1)(a)~~+~~ The lease or rental in Florida of a for hire passenger motor vehicle is subject to a surcharge of \$2.00 per day or any part of a day, or any part thereof, regardless of whether the vehicle is licensed in Florida. ~~For the purposes of this rule, one day is defined as 24 consecutive hours.~~

(b) Each person engaged in the business of leasing or renting for hire passenger motor vehicles is required to collect the rental car surcharge when the lease or rental payments are to be paid under the terms of the lease or rental agreement.

(2) For the purposes of this rule chapter, the following definitions will apply:

(a) The term "day" means 24 consecutive hours.

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

~~(3)(b)~~ The surcharge applies to each lease or rental of a for hire passenger motor vehicle, specified in the lease or rental agreement, on the first thirty (30) days the vehicle is continuously leased or rented to one lessee or renter.

~~(a)1.~~ If a for hire passenger motor vehicle is leased or rented to one lessee or renter under an agreement for thirty (30) continuous days or fewer, or for an unspecified continuous duration, the surcharge is due ~~shall be collected and remitted~~ on the lease or rental payments ~~for due up to the first thirty (30) days of the lease or rental period.~~ for due up to the first thirty (30) days of the lease or rental period. ~~If the lease or rental agreement is renewed at any time for an additional period, the renewal constitutes a new lease or rental and, therefore, the surcharge is due until thirty (30) continuous days is reached on the renewed lease or rental agreement.~~

~~2.~~ ~~If a for hire passenger motor vehicle is leased or rented to one lessee or renter under an agreement for a specific duration, in excess of thirty (30) continuous days, the surcharge shall be collected and remitted on lease or rental payments due for thirty (30) continuous days. If the lease or rental agreement is renewed for an additional period, the renewal constitutes a new lease or rental and, therefore, the surcharge is due until the thirty (30) continuous day maximum is reached on the renewed lease or rental agreement.~~

(b) When the terms of a lease or rental agreement authorize the lessee to extend the lease or rental beyond the initial lease term without executing an additional lease or agreement and without any action on the part of the lessor, the extension period will not be considered a new lease or rental.

(c) When the terms of a lease or rental agreement require the lessee to execute an additional lease or agreement or require any action on the part of the lessor, the additional days during the extension period will be considered a new lease or rental.

(4)(a) Motor Vehicle Leased or Rented for Less Than 12 Months.

1. When a for hire passenger motor vehicle is leased or rented in Florida, the lease or rental is subject to the rental car surcharge, even though the vehicle may be driven to another state or the lease or rental payment may be made outside Florida.

2. When a for hire passenger motor vehicle is leased or rented outside Florida, the lease or rental is not subject to the rental car surcharge, even though the vehicle may be driven into Florida or the lease or rental payment may be made in Florida.

(b) Motor Vehicle Leased or Rented for 12 Months or Longer.

1. When a for hire passenger motor vehicle is leased or rented in Florida for a term of 12 months or longer, the rental car surcharge is due.

2. When a for hire passenger motor vehicle is leased or rented outside Florida for a term of 12 months or longer and the vehicle is registered, licensed, or titled in Florida, it is presumed subject to the rental car surcharge. This presumption may be rebutted only by documentary evidence that the vehicle was used outside Florida continuously for the first thirty (30) days before being brought into Florida.

(5)(2)(a) A person engaged in the business of leasing or renting for hire passenger motor vehicles shall not advertise or hold out to the public in any manner, directly or indirectly, that the dealer ~~he~~ will absorb all or any part of the rental car surcharge, or that ~~he~~ will relieve the lessee or renter of the payment of all or any part of the surcharge, or that, when added to the lease or rental price, the surcharge or any part thereof will be refunded either directly or indirectly by any method whatsoever.

(b) The amount of the rental car surcharge is required to ~~shall~~ be separately stated on any charge ticket, invoice, or other tangible evidence of lease or rental, and will shall be a debt from the lessee or renter to the dealer until paid.

(c) The rental car surcharge is subject to sales and use tax.

(3)(a) Each person engaged in the business of leasing or renting for hire passenger motor vehicles is required to collect and remit the surcharge.

(b) The surcharge is due and payable when the lease or rental payments are to be made by the lessee or renter as they accrue under the terms of the lease or rental agreement.

(e) When the term of the lease or rental agreement is for less than twelve (12) months:

1. If the lease or rental of a for hire passenger motor vehicle, leased or rented in another state and driven into Florida, is paid in Florida, the surcharge applies. If a credit card is used in lieu of cash payments, the Florida dealer honoring the credit card is liable for the collection and remittance of the surcharge.

~~2. If the lease or rental of a for hire passenger motor vehicle leased in Florida and driven to another state is paid in the other state, the lease or rental is not subject to the surcharge. If a motor vehicle is leased or rented in Florida and the lease or rental is paid in Florida, the surcharge applies even though the motor vehicle is removed from Florida while the lessee or renter has the vehicle.~~

~~(d)1. When the term of a lease or rental is for twelve (12) months or more and the vehicle is leased or rented in Florida, the surcharge is due and payable when the vehicle is registered, licensed, or titled in this state, regardless of where the vehicle is to be used.~~

~~2. When the term of a lease or rental is for twelve (12) months or more and the vehicle is leased or rented from a person outside this state, it is presumed subject to the surcharge if it is registered, licensed, or titled in this state. This presumption may be rebutted only by documentary evidence that the vehicle was used outside this state continuously for thirty (30) days or more before it was brought into this state.~~

(6)(4) Any person who has leased or rented a for hire passenger motor vehicle and cannot prove that the rental car surcharge has been paid to the ~~his~~ lessor or other person will shall be directly liable to the state for any surcharge, interest, or penalty due on such transaction.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(c), 212.06(1)(a), 212.0606, ~~212.06(4)(a)~~; 212.07(2),(4),(8)(9) FS. History—New 11-14-89, Amended 7-7-91, 5-19-93, 3-20-96, _____.

12A-16.006 Surcharge Returns and Filing Requirements.

(1)(a) Any dealer who collects the rental car surcharge is required to report to the Department all surcharge revenues that are attributed to the county where the rental agreement was entered into. For purposes of this rule, “where the rental agreement was entered into” means the county where the lessee picks up the for hire passenger motor vehicle. For example, a motor vehicle is picked up in Florida County A and dropped off in Florida County B. The surcharge revenues are attributed to Florida County A.

(b)(a) Except as provided in Rule Chapter 12-24, F.A.C., the surcharge for each month shall be due to the Department on the first day of the month following the date the lease or rental payments are to be made by the lessee or renter, under the terms of the lease or rental agreement. The payment and return must be delivered to the Department or be postmarked on or before the 20th day of the month following the date the lease or rental payments are to be made by the lessee or renter, under the terms of the lease or rental agreement, to avoid penalty and interest for late filing. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For this purpose, a legal holiday means a holiday which is observed by federal or state agencies as a legal holiday as this term is defined in Chapter

683, F.S., and Section 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

~~(c)~~(b) The rental car surcharge is required to be reported ~~shall be remitted~~ to the Department of Revenue on a Solid Waste and Surcharge Return (Form DR-15SW), ~~incorporated by reference in Rule 12A-16.008, F.A.C.~~ A Rental Car Surcharge Schedule (Form DR-15SWS) is used to report the number of days that all for hire passenger motor vehicles were leased or rented during the month by county. Forms DR-15SW and DR-15SWS are incorporated by reference in Rule 12A-16.008, F.A.C.

(d) Any dealer who operates places of business in two or more counties for which returns are required and who has obtained a consolidated reporting number from the Department for purposes of reporting sales and use tax must report the rental car surcharge for all places of business using the consolidated reporting number. The dealer is required to file a consolidated Solid Waste and Surcharge Return (Form DR-15SW) with a Rental Car Surcharge Schedule (Form DR-15SWS) to report the number of days that all for hire passenger motor vehicles were leased or rented during the month for each county.

(e) Any dealer who operates two or more places of business in a single county for which returns are required and who has obtained a county control reporting number from the Department for purposes of reporting sales and use tax must report the rental car surcharge for all places of business located within a single county using the county control reporting number. Such dealers are reporting the rental car surcharge attributed to that county and are not required to file a Rental Car Surcharge Schedule (Form DR-15SWS).

(f) Out-of-state dealers who have no physical place of business located within Florida that are required to report the rental car surcharge must file a Solid Waste and Surcharge Return (Form DR-15SW) with a Rental Car Surcharge Schedule (Form DR-15SWS) to report the number of days that all for hire passenger motor vehicles were leased or rented during the month for each county. The Rental Car Surcharge Schedule must be included with the return even when the dealer reports the number of days that all for hire passenger motor vehicles were leased or rented during the month for a single county.

(g) For information on how to obtain a county control reporting number or a consolidated reporting number for purposes of sales and use tax, see subsection (1) of Rule 12A-1.056, F.A.C.

(h) Each dealer is required to file a return each month, even when no rental car surcharge is due for that month. However, a dealer is not required to file a Rental Car Surcharge Schedule (Form DR-15SWS) when no rental car surcharge is due for that month.

(i)~~(e)~~ Electronic filing of payments and returns for reporting the rental car surcharge must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the rental car surcharge is required to be made by electronic means;
2. Any return for reporting the rental car surcharge is required to be submitted by electronic means; or
3. No fees are due with a return for reporting the rental car surcharge.

(2)~~(a)~~ Any dealer who operates two (2) or more places of business for which Solid Waste and Surcharge Returns (Form DR-15SW) are required to be filed and maintains records for such places of business in a central office or place shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business.

(b) A dealer electing to file a consolidated Solid Waste and Surcharge Return (Form DR-15SW) shall make an election request in writing, setting out the trade name of the business, mailing address of the business, location address of the business, the Florida sales and use tax certificate of registration number of each business location, and the effective date of the election to file a consolidated return.

(c) The request must be addressed to the Department of Revenue, Return Reconciliation, Building F 3, 5050 W. Tennessee Street, Tallahassee, Florida 32399-0100. All requests must be received by the Department before the surcharge return for which election is made becomes delinquent.

(3)~~(a)~~ Interest shall accrue on any delinquent surcharge at the following rate:

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.
2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(b) Interest accrues on the amount due from the date of delinquency until the surcharge is paid.

(2)~~(4)~~ Persons who are required to make a return or to pay the rental car surcharge fees imposed by Section 212.0606, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

~~(5) In computing the minimum delinquent penalty on a consolidated surcharge return, the \$10 minimum delinquent penalty applies to each reporting location. However, when a person required to remit the surcharge files a combined return for multiple locations in a single county, using only one registration number, the minimum delinquent penalty shall be computed on the basis of a single return.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.11, 212.12(2),(3),(4), 213.235, 213.755 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 5-19-93, 3-20-95, 3-20-96, 4-2-00, 4-17-03, _____.

12A-16.008 Public Use Forms.

(1)(a) ~~The~~ In addition to the forms prescribed in Chapter 12A-1, F.A.C., the following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, ~~3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 3) 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
FORM NUMBER	TITLE	EFFECTIVE DATE
(2) DR-15SW	Solid Waste and Surcharge Return (R. 04/03 + 04/02)	04/03
(3) DR-15SWN	Instructions for Completing the DR-15SW Solid Waste and Surcharge Return (R. 09/03 + 07/01)	01/02
(4) DR-15SWS	<u>Rental Car Surcharge Schedule (N. 01/04)</u>	_____

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Public Use Forms
 RULE NO.: 12A-17.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of the registration of secondhand dealers and secondary metals recyclers; and (2) provide technical changes on guidelines for obtaining forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the adoption of changes to forms used by the Department in the administration of the registration of secondhand dealers and secondary metals recyclers.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 538.11 FS.

LAW IMPLEMENTED: 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25 FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-17.005 Public Use Forms.

The following public-use forms and instructions are employed by the Department in its dealings with the public in administering Ch. 538, F.S., and are incorporated by reference in this rule. Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at (850)922-2208; or 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 4 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 5 6) downloading selected forms from the Department's Internet site at the address shown inside~~

the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(1) DR-1S	Application for Secondhand Dealer or Secondary Metals Recycler Registration (R. 08/03 06/02)	_____ 08/02
(2)	No change.	

Specific Authority 212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25 FS. History--New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02, _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Miami-Dade County Lake Belt Mitigation Fee
 RULE NO.: 12B-7.030

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.030, F.A.C. (Miami-Dade County Lake Belt Mitigation Fee), is to: (1) consolidate guidelines for penalties and interest imposed on the mitigation fee, which is administered under Chapter 212, F.S., into Rule 12A-1.056, F.A.C.; and (2) remove provisions from Rule 12B-7.030, F.A.C., which would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the consolidation of guidelines for penalties and interest on the mitigation fee into Rule 12A-1.056, F.A.C.

SPECIFIC AUTHORITY: 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b),(2),(3),(4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2004
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-7.030 Miami-Dade County Lake Belt Mitigation Fee.
 (1) through (3) No change.

~~(4) When any person fails to remit the mitigation fee, or any portion thereof, on or before the day the fee is required to be paid, interest will be added to the amount of unpaid fee at the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily). Interest accrues on the amount of fee due from the date of delinquency until the date on which the tax is paid.~~

~~(4)(5) Persons who are required to make a return or to pay the mitigation fee imposed under Section 373.41492, F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.~~

Specific Authority 211.33(6), 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b),(2),(3),(4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History--New 10-1-03, Amended _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Returns and Filing Requirements
 RULE NO.: 12B-11.006

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-11.006, F.A.C. (Returns and Filing Requirements), is to: (1) consolidate guidelines for penalties and interest imposed on the tax levied on the gross receipts of dry-cleaning facilities, which is administered under Chapter 212, F.S., into Rule 12A-1.056, F.A.C.; and (2) remove provisions from Rule 12B-11.006, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the consolidation of guidelines for penalties and interest on the tax levied on the gross receipts of dry-cleaning facilities into Rule 12A-1.056, F.A.C.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.70(6)(b) FS.

LAW IMPLEMENTED: 212.12(2), 213.235(2), 213.755, 376.70 FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2004
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical

Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-11.006 Returns and Filing Requirements.

(1) through (3) No change.

(4) Persons who are required to make a return or to pay tax on gross receipts on dry-cleaning imposed under Section 376.70, F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0115, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(6)(b) FS. Law Implemented 212.12(2), 213.235(2), 213.755, 376.70 FS. History—New 2-19-95, Amended 6-19-96, 4-17-03, _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Returns and Filing Requirements

RULE NO.: 12B-12.006

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-12.006, F.A.C. (Returns and Filing Requirements), is to: (1) consolidate guidelines for penalties and interest imposed on the tax levied on perchloroethylene, which is administered under Chapter 212, F.S., into Rule 12A-1.056, F.A.C.; and (2) remove provisions from Rule 12B-12.006, F.A.C., that would be redundant of subsection (4) of Rule 12A-1.056, F.A.C., as amended.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the consolidation of guidelines for penalties and interest on the tax levied on perchloroethylene into Rule 12A-1.056, F.A.C.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS.

LAW IMPLEMENTED: 212.11(1)(b),(d), 212.12(2)(a),(3),(4), 213.235, 213.755, 376.75 FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-12.006 Returns and Filing Requirements.

(1) through (2) No change.

(3) Persons who are required to make a return or to pay tax on perc imposed under Section 376.75, F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

~~(3)(a) When any person fails to remit the tax, or any portion thereof, on or before the day when such tax is required to be paid, interest will be added to the amount of unpaid tax at the following rate:~~

~~1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily):~~

~~(b) Interest accrues on the amount due from the date of delinquency until the date on which the tax is paid.~~

~~(c) The decimal equivalent of the daily interest rate established pursuant to paragraph (a) above will be applied to any delinquent period that is less than one month.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS. Law Implemented 212.11(1)(b),(d), 212.12(2)(a),(3),(4), 213.235, 213.755, 376.75 FS. History—New 2-19-95, Amended 3-18-96, 4-2-00, 4-17-03, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 040436-TP

RULE TITLE: Regulatory Assessment Fees; Certificated or Registered Telecommunications Companies
 RULE NO.: 25-4.0161

PURPOSE AND EFFECT: The purpose of the rule amendment is to increase the amount of regulatory assessment fees paid by certificated or registered telecommunications companies from .0015 to .0023 of their gross operating revenues derived from intrastate business in order to cover the actual cost of regulating the companies.

SUBJECT AREA TO BE ADDRESSED: Telecommunications companies' regulatory assessment fees.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 364.336 FS.

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

TIME AND DATE: 9:30 a.m., June 8, 2004

PLACE: Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida

The workshop request must be submitted in writing to: Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, and should be submitted for receipt by the Commission no later than June 4, 2004.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dale Mailhot, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6418

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Works of the District
 RULE CHAPTER NO.: 40D-6

PURPOSE AND EFFECT: The purpose of this rule development workshop is to discuss the proposed amendment of Chapter 40D-6, F.A.C. The proposed amendment will address consistency of Chapter 40D-6, F.A.C., with the

original intent of the rules and the District's expanded regulatory authority under Part IV of Chapter 373, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The District's rules regarding projects affecting Works of the District.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.084, 373.085, 373.086, 373.087, 373.103, 373.109, 373.429, 403.813 FS.

A PROPOSED RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 5:30 p.m. – 7:00 p.m., June 1, 2004

PLACE: Governing Board Room, District's Tampa Office, 7601 Highway 301, North, Tampa, FL 33637-6759

TIME AND DATE: 5:30 p.m. – 7:00 p.m., June 3, 2004

PLACE: Governing Board Room, District's Brooksville Office, 2379 Broad Street, Brooksville, FL 34604-6899

TIME AND DATE: 5:30 p.m. – 7:00 p.m., June 8, 2004

PLACE: Governing Board Room, District's Bartow Office, 170 Century Blvd., Bartow, FL 33830-7700

WHAT: Public workshop to discuss Works of the District rules. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen E. West, Deputy General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Land Acquisition
 RULE CHAPTER NO.: 40D-9

PURPOSE AND EFFECT: The purpose and effect is to implement the District's policies for public use of District owned lands.

SUBJECT AREA TO BE ADDRESSED: Recreational land use rules.

SPECIFIC AUTHORITY: 279.101, 373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.1391, 373.149, 373.171 FS.

LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.083, 373.088, 373.089, 373.093, 373.096, 373.099, 373.103, 373.129, 373.139, 373.1391, 373.1395, 373.140, 373.149, 373.1401, 373.199, 373.59, 373.591, 373.609, 373.613 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD 1(800)231-6103. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services
 RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective July 1, 2004.

The Agency is amending the Long-Term Care Reimbursement Plan to provide for a modification to the calculation of the Florida Nursing Home Cost Inflation Index.

SUBJECT AREA TO BE ADDRESSED: The Florida Nursing Home Cost Inflation Index.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: 10:00 a.m., June 9, 2004

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2756

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Home and Community Based Services Waiver
 RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate provider rate information into Appendix A of the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations

Handbook. The effect will be to incorporate provider rate information into Appendix A of the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Home and Community Based Services Waiver.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 2:00 p.m. – 3:00 p.m., Tuesday, June 8, 2004

PLACE: Conference Room “A”, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Henderson, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON-LINE AT <http://www.dcf.state.fl.us/ddp>.

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 Psychology

RULE TITLE: Obligations of Continuing Psychological Education Providers
 RULE NO.: 64B19-13.005

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

SUBJECT AREA TO BE ADDRESSED: Obligations of continuing education providers.

SPECIFIC AUTHORITY: 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 490.007(2), 490.0085(1),(3) FS.

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

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

Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Annual and Quarterly Reporting Requirements
 RULE NO.: 690-137.001
 PURPOSE AND EFFECT: To adopt 2004 NAIC manuals.

SUBJECT AREA TO BE ADDRESSED: Adoption of NAIC manuals

SPECIFIC AUTHORITY: 624.307, 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.

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

TIME AND DATE: 10:00 a.m., June 8, 2004

PLACE: Room 139, 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 Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: krantz@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: NAIC Financial Examiners Handbook Adopted
 RULE NO.: 690-138.001

PURPOSE AND EFFECT: To adopt 2004 NAIC manuals.

SUBJECT AREA TO BE ADDRESSED: Adoption of NAIC manuals

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.316(1)(c) FS.

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

TIME AND DATE: 10:00 a.m., June 8, 2004

PLACE: Room 139, 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 Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: krantz@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: General Reporting Requirements
 RULE NO.: 690-171.002

PURPOSE AND EFFECT: To eliminate obsolete provisions and provide for the electronic filing of insurer reporting experience.

SUBJECT AREA TO BE ADDRESSED: Filing of required information.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.915(5),(6), 627.918(1) FS.

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

TIME AND DATE: 9:00 a.m., June 9, 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 Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, e-mail: milnesm@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Insurance Administrators	69O-197
RULE TITLES:	RULE NOS.:
Definitions	69O-197.001
Exemption form TPA Licensure	69O-197.002
Application Submission Requirements for TPA	69O-197.003
Applicants Administering a Plan Without a Certificate of Authority	69O-197.004
Investigative Background Report Requirements	69O-197.005
Annual Report	69O-197.006
Fidelity Bond Requirements	69O-197.007
Administrative Fees	69O-197.008
Service Company or Service Agent Certificate of Authority	69O-197.009
Forms	69O-197.015

PURPOSE AND EFFECT: To adopt procedures and forms applicable to the activities of Third Party Administrators (Insurance Administrators).

SUBJECT AREA TO BE ADDRESSED: Regulation of Third Party Administrators.

SPECIFIC AUTHORITY: 624.308(1), 626.88(1), 626.8805(4), 626.895 FS.

LAW IMPLEMENTED: 624.307(1), 626.88(1),(2), 626.8805, 626.8805(2), 626.8809, 626.882, 626.884, 626.885, 626.89, 626.891, 626.9541(1)(o)2. FS.

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

TIME AND DATE: 9:00 a.m., June 9, 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 Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

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

**Section II
Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1

RULE TITLE:	RULE NO.:
Delegation of Authority	40D-1.1002

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to streamline the variance and waiver process to allow the Executive Director or other Executive staff to take final action on requests for a variance or waiver under Chapter 40D-22, F. A.C., Year-Round Water Conservation Measures.

SUMMARY: This proposed rulemaking adds language to Rule 40D-1.1002, F.A.C., delegating authority to take final action on petitions for variances and waivers pursuant to Rule 40D-22.303, F.A.C., to the Executive Director, the Assistant Executive Director, the Deputy Executive Director for Resource Regulation and the Director of Records and Data. Currently, all requests for a variance or waiver pursuant to Rule 40D-22.303, F.A.C., are first acted upon by the Executive Director and then go to the Board for final action. This rulemaking will delegate the Governing Board's authority to certain Executive staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.1002, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.083(5), 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.1002 Delegation of Authority.

(1) No change.

(2) The Governing Board delegates to the Executive Director, the Assistant Executive Director, the Deputy Executive Director for Resource Regulation and the Director of Records and Data the authority to take final agency action petitions for variances and waivers pursuant to Rule 40D-22.303, F.A.C.

~~(3)~~(2) No change.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS. Law Implemented 253.002, 373.083(5), 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

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

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

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

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

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

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

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

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

TIME AND DATE: 10:00 a.m., June 15, 2004

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida

Those persons who cannot attend in person may submit their comments in writing to: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. written comments received after the hearing may not be considered.

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: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-15.0012 Forms.

(1) through (e) No change.

(f) Receipt for Condominium Documents, DBPR Form CO 6000-6, incorporated herein by reference and effective 12-23-02.

(g) through (2) No change.

Specific Authority 718.501(1)(f), 718.502(1)(c), 718.621 FS. Law Implemented 718.403, 718.502, 718.503, 718.504, 718.618(8) FS. History—New 12-23-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

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

PURPOSE AND EFFECT: The rule amendment would require that corrections to initial filings and amendments be submitted to the division with an itemized cover page and corrected pages that are coded to show additions and deletions. The amendment would facilitate the division’s review of lengthy corrections to condominium documents and delete unnecessary language related to the method of binding voluminous documents submitted to the division. With regard to purchase contract amendments, the proposed rule would provide that separately attached addenda or modifications to the form purchase contract are not considered “amendments” and need not be filed with the division so long as the modifications do not contain any waiver of purchaser rights or other inconsistencies with Chapter 718, F.S., and related rules.

SUMMARY: The proposed rule amendment relates to the filing and review process including the need for redlining of corrections submitted by developers and filing requirements for certain contract modifications made by the purchaser at the point of sale.

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

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

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

LAW IMPLEMENTED: 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 10:00 a.m., June 15, 2004

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida

Those persons who cannot attend in person may submit their comments in writing to: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

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: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-17.002 Procedure for Filing.

~~(1) Documents submitted to the Division for filing shall be securely bound and fastened between firm covers. Documents which are too bulky for binding may be submitted with the filing unbound.~~

(2) through (8) renumbered (1) through (7) No change.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.202, 718.502, 718.503, 718.504 FS. History—New 11-15-77, Amended 7-22-80, Formerly 7D-17.02, Amended 4-1-92, Formerly 7D-17.002, Amended 1-26-03.

61B-17.005 Examination of Documents.

(1) Upon receipt of a filing, the Division will determine whether the filing is in proper form. The filing is considered to be in proper form when:

(a) Tabbing. All forms and documents, properly completed, tabbed, labeled and assembled in accordance with these rules, are included;

(b) The Condominium Filing Statement has been completed properly; and

(c) The correct filing fee has been received by the Division.

(2) through (3) No change.

(4) The developer shall have 45 days from the date of the Division’s notification of deficiencies in the filing to correct any deficiencies noted by the Division. The developer shall submit such corrections with a cover letter containing an itemization of corrections in the same order in which the deficiencies were presented and shall submit corrected pages showing additions and deletions by underline and strike through or similar coding. The Division shall, however, grant an extension of the 45-day period upon written request

received by the Division within the 45-day period, which request shall set forth the reasons for the request. If deficiencies are not corrected within the 45-day period and an extension of time is not timely requested, the Division shall reject the filing and no further offers may be made. The developer will not be granted more than four (4) 45-day extensions. The Division shall notify the developer of said rejection by a final order. Prior to the issuance of a final order, the Division shall notify the developer of the pending action and shall provide an opportunity for the developer to respond in writing or at a hearing if requested. If a filing is rejected, the developer, when subject to the requirements of Section 718.202, Florida Statutes, shall, within 45 days of issuance of the final order of rejection, provide the Division with a complete accounting of any deposits collected pursuant to the rejected documents. The developer shall also, immediately and in writing, notify all purchasers under contract of the rejection and shall offer immediate refund of deposits collected, as well as interest as appropriate, under the contracts. A complete re-filing of the documents pursuant to the requirements of Chapter 718, Florida Statutes, and these rules, including the payment of filing fees, will be required prior to any additional offerings.

(5) through (7) No change.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.501, 718.502 FS. History—New 11-15-77, Amended 7-22-80, 8-31-83, Formerly 7D-17.05, Amended 9-7-88, 3-21-89, Formerly 7D-17.005, Amended 1-26-03, _____.

61B-17.006 Filing and Examination of Amendments to Documents.

(1) "Amendment" means any change to documents that have previously been filed with and accepted by the division, whether technical or substantive, regardless of the procedure by which the change is made. Developers shall file such changes as amendments, regardless of the nature of the changes, except as provided in paragraph (2)(b).

(2)(a) Every developer of a condominium who holds a unit for sale in a condominium shall submit to the Division any amendments in documents or items on file with the Division and deliver to the purchaser pursuant to Rule 61B-18.001, F.A.C., all amendments prior to closing, but in no event, later than 10 days after the amendment.

(b) No changes shall be made to the form purchase contract approved by the Division without first filing and obtaining acceptance of such changes from the Division. However, in an individual unit sale transaction using the form purchase contract approved by the Division, a change to the purchase contract or a modification made on the purchase contract or the attachment of a rider or addendum to such contract is not required to be filed with the Division provided that such change, modification, rider or addendum does not contain either a waiver or reduction of purchaser's rights under Chapter 718, Florida Statutes, or a reduction of a developer's

duties under Chapter 718, Florida Statutes, and the rules promulgated thereunder, and is not otherwise inconsistent with Chapter 718, Florida Statutes. A developer is not required to deliver such change, modification, rider or addendum to any purchaser other than the purchaser whose contract has been modified by such change, modification, rider or addendum.

(b) through (c) renumbered (c) through (d) No change.

(3) through (5) No change.

(6) The developer shall have 20 days from the date of the Division's notification of deficiencies in the amended material to correct the deficiencies noted by the Division. The developer shall submit such corrections with a cover letter containing an itemization of corrections in the same order in which the deficiencies were presented and shall submit corrected pages showing additions and deletions by underline and strike through or similar coding. The Division shall, however, grant an extension of the 20-day period upon written request of the developer. If deficiencies are not corrected within the 20-day period and an extension of time has not been granted by the Division, the Division shall reject the amendment and no further offers shall be made utilizing the rejected documents.

(7) through (9) No change.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.103(14), 718.502, 718.502(3), 718.503, 718.504 FS. History—New 11-15-77, Amended 7-22-80, 10-1-85, Formerly 7D-17.06, Amended 1-27-87, 4-1-92, 7-11-93, Formerly 7D-17.006, Amended 11-23-93, 1-26-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Definitions	61D-7.001
Trifecta and Superfecta Combinations	61D-7.015
Pari-Mutuels	61D-7.020
Mutuels Tickets, Cashing, Records, and	
Totalisator Security Requirements	61D-7.021
Outs Cashed After the End of the Meet	61D-7.022
Reporting of Wagering Activities, Permitholder	
and Totalisator Reports	61D-7.023
Totalisator Requirements	61D-7.024

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes to accounting and auditing procedures, and totalisator security requirements in an attempt to provide greater security for wagering related information and more efficient reporting and compliance with statutes and rules regarding wagering related activity.

SUMMARY:

- The rule revises definitions including the elimination of the definition of “messenger bet” while allowing account wagering by striking the term “computerized” from the definition. Other definitions are clarified. A delay in exclusion of exchange rights is included in the definition of “malfunction.”
- The rule amends rules regarding Trifecta and Superfecta Combinations to clarify responsibilities in the event of communications, power failures, or totalisator malfunctions that preclude exchange rights. The rule also provides for procedures for those wagers in the event of a cancellation, nullification or declaration of a no contest for a race or game upon which those wagers are conducted.
- Provides mutuels rules to prevent the presentation of a false ticket for payment. The rules also provide for security of totalisator information regarding employees, outs tickets and ticket issuing machines.

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 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: 550.0251(3),(7), 550.105(2)(c), 550.125(2)(b), 550.155(1), 550.1645(1), 550.495(4),(5) FS.

LAW IMPLEMENTED 550.0251, 550.0425, 550.105, 550.125, 550.155, 550.1645, 550.2633, 550.3551, 550.495 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: 10:00 a.m. – 12:00 Noon, June 16, 2004
 PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-7.001 Definitions.

(1) through (8) No change.

(9) “~~Computerized~~ Account Betting” is the method of wagering on-track via an account opened by placing a sum of money on deposit with the permitholder.

(10) through (23)(d) No change.

(e) A delay or exclusion of exchange rights.

~~(f)(e)~~ Incorrect calculations,

~~(g)(f)~~ The wagers to be refunded.

(24) through (25)(a) No change.

(b) For the purpose of determining ~~operating racing~~ operating dates, the conduct of live racing or jai alai for any stake, purse, prize, or premium.

~~(26) “Messenger Bet” is a wager placed with a licensed intermediary between the bettor and the mutuels teller for which a receipt is issued to the bettor in lieu of a ticket. The intermediary must possess an occupational license issued by the division.~~

~~(26)(27)~~ “Minor Pool” is the lesser portion of a jackpot or a net pool.

~~(27)(28)~~ “Minus Pool” is the amount distributable to winners in a single wagering pool in excess of that net pool.

~~(28)(29)~~ “Mutuel Field” is two or more contestants grouped to run as a single betting interest due to limitations of the totalisator or tote board.

~~(29)(30)~~ “Mutuels Ticket” is a ticket issued through a totalisator terminal which represents the bettor’s contribution to a pari-mutuel pool or pools.

~~(30)(31)~~ “Net Pool” is the gross pool less commission.

~~(31)(32)~~ “Net Sales” is the aggregate value of all pari-mutuel tickets sold net of cancellations.

~~(32)(33)~~ “On-track” is the designation of wagers on events occurring at the facility conducting the contests or importing from out-of-state.

~~(33)(34)~~ “Outs or Outs Ticket” is a winning or refundable pari-mutuel ticket which is not redeemed.

(34)(35) "Outs Account" is the computer file listing all outstanding pari-mutuel tickets for a particular meet and permitholder.

(35)(36) "Outsbook" is the hard copy report of the outs account.

(36)(37) "Payment Voucher" is a hard copy receipt issued by a totalisator terminal on which redemption of one or more mutuel tickets is recorded.

(37)(38) "Permitholder" is any entity that holds a pari-mutuel permit.

(38)(39) "Price" is the broken price which has been rounded down to the nearest \$ 0.10 and which is the amount awarded to a winning wager.

(39)(40) "Profit" is the dividend calculated for the distribution of a pool.

(40)(41) "Profit Split" is the proration of the profit among winning combinations.

(41)(42) "Primary Guest" is an entity which receives a broadcast from an out-of-state host, and which contracts other entities within the state to wager into the primary guest under the intertrack wagering statutes.

(42)(43) "Refundable Wager" is a pari-mutuel wager invalidated due to causes beyond the control of the bettor.

(43)(44) "Remote Totalisator" is a totalisator system configured so that the function of the central processing unit is handled by a totalisator system at a separate off-site location or logically separate on-site.

(44)(45) "Remote Totalisator Server" is a totalisator system which provides the central processing function for one or more remote totalisators whether on or off site.

(45)(46) "Satellite or Secondary Guest" is an entity in Florida which receives the signal directly from a host track but wagers into a primary guest.

(46)(47) "Scratch" is the withdrawal of a dog or a horse from a contest.

(47)(48) "Single Price Pool" is the type of price calculation that produces only one price for the distribution of a pool.

(48)(49) "Split Meet" shall mean a meet which has five or more consecutive dark days during the meet, or a meet wherein more than one distinctly separate section of the meet occurs at different facilities specifically authorized by the permit which necessitates separate outs accounts for the two portions of the meet.

(49)(50) "Starter" is an entry in a contest when the contest begins.

(50)(51) "Table of Wagers" is the matrix showing the amount bet on each wagering combination for a pari-mutuel pool.

(51)(52) "Uncovered Betting Interest" is a betting interest upon which no wager has been made.

(52)(53) "Winning Wager" is a wager which has been awarded a price under the provisions of the pari-mutuel rules.

Specific Authority 550.0251(3),(7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History--New 10-20-96, Amended 12-15-97,

61D-7.015 Trifecta and Superfecta Combinations.

(1) through (9)(d) No change.

(e) In the event of communications or power failures, or totalisator malfunctions that preclude exchange rights from being fully exercised by holders of first half winning tickets, the second half of the Trifecta and Superfecta combination shall be canceled and the provisions of subsection (9)(d) shall apply. Any technical problems which may require additional time for the exchange process or possible cancellation of the second half of the Trifecta and Superfecta combination are the responsibility of the Mutuels Manager at the host site and, where applicable, the hub tote manager. The guest Mutuels Manager must notify the host Mutuels Manager immediately upon the finding of any communications problems complicating the exchange of tickets.

(10) through (17)(a) No change.

(b) ~~To The jackpot shall be distributed to~~ all holders of exchange tickets from the first half contest.

(c) In the event the second half of the contest is canceled, declared null, or no contest, the jackpot may be distributed in one of the following methods:

1. To holders of tickets as reflected in subsection (b) above.

2. If there is another Tri-Super Combination contest scheduled within the same performance, the forced payout may be postponed to the next Tri-Super Combination contest.

3. If there is no other Tri-Super Combination contest scheduled within the same performance, the forced payout may be postponed to the next scheduled performance.

4. If it is the last performance of the meet or the last performance preceding a dark period of more than 5 days, the provisions of subsection (18) of this rule apply.

(d) The decision of how the forced payout will be managed under these conditions must be submitted to the division prior to the meet along with other Jackpot related wagering information on BPR Form 14-005, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(18) through (22) No change.

Specific Authority 550.0251(3),(7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History--New 10-20-96, Amended _____.

61D-7.020 Pari-Mutuels.

- (1) through (4)(b) No change.
- (c) Participate in ~~computerized~~ account betting.
- (5)(a) through (a)1. No change.
- 2. ~~Computerized~~ Account betting;
- (a)3. through (6) No change.

(7) Payment of winning and refundable pari-mutuel tickets shall be made only upon presentation and surrender of the tickets. Damaged tickets with complete and legible identification numbers or bar codes may be honored without presentation of a formal claim. Attempting to redeem or possession of a false, altered, or adulterated ticket shall be a violation of these Rules.

- (8) through (18) No change.

(19) Each permitholder that participates in account wagering or utilizes walk-around terminals or self-service terminals, at least seven days prior to implementation, shall provide to the division a copy of the operational procedures for each method of wagering. Such procedures shall include detailed information of any system interfaces within the totalisator system, procedures of how tickets are purchased and cashed, and the security controls for this system of wagering.

Specific Authority 550.0251(3),(7), 550.105(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.0425, 550.105, 550.155, 550.495, 550.70 FS. History—New 10-20-96, Amended 12-15-97, 2-24-03,_____.

61D-7.021 Mutuel Tickets, Cashing, Records, and Totalisator Security Requirements.

- (1) through (5)(e) No change.
- (f) For tickets cashed more than 30 days after the purchase date of the ticket, the ticket owner must show a valid identification and such cashing must be at a single designated window, which may not be any type of patron-operated machine or terminal. If the permitholder needs more than one window, a written request must be submitted to the division for approval. A log must be maintained including names and addresses of all patrons who have cashed such tickets.
- (g) The totalisator system must have the ability to identify such tickets and indicate to a teller that the ticket falls within this category.

- (6) through (9)(c) No change.
- (d) A permitholder is not required to pay the division the monies required by paragraph (a), above, for missing tickets which were canceled by a totalisator operator provided that a daily terminal malfunction log is maintained by the tote operator and a list of totalisator canceled tickets is provided to the division upon request pari-mutuel wagering specialist on a daily basis.

- (e) through (10) No change.
- (a) The totalisator licensee is responsible for the value of the wagers for which tickets are not issued due to terminal or system malfunctions. The totalisator licensee may recoup from resulting winnings from such tickets not to exceed the

aggregate purchase price of such tickets. The ~~totalisator tote~~ licensee must maintain ~~provide to the pari-mutuel wagering specialist a list of such purchased tickets on a daily basis. The list must be made available to the division throughout the meet, upon request.~~ Unrecovered totalisator purchases shall not be carried forward to a subsequent meet and any intertrack tote purchases shall not be recouped from live winnings or live outs.

- (a)1. through (b) No change.
- (c) ~~The pari-mutuel wagering specialist and Mutuels Manager shall witness the cashing of wagers by totalisator personnel and the Mutuels Manager shall add to the outbook any winnings deducted which are in excess of the allowable recoupment.~~

(d) For tickets which values would escheat to the state or breeders' association, the transactions for the list provided per paragraph (10)(a) and (b) shall be recorded on BPR Form 14-034, Tickets Purchased and Cashed by the Totalisator Company, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The form shall be attested to by signature by the totalisator manager and Mutuels Manager, and is subject to audit. A copy of this report, along with any tote produced cashing reports, shall be submitted to the division within 30 days of the end of each live meet period. The following criteria shall be applicable as part of the audit criteria:

- 1. through (11)(d) No change.
- (e) Totalisator computers shall be backed-up daily and the backup shall be sufficient to reconstruct the entire performance or days activity. The backup media shall be stored off-site or secured on-site for a minimum of 120 days in an industry standard 2 hour fire resistant storage device.

(f) Totalisator personnel shall not access any file for the purpose of creating a report or list of current outstanding bets without prior notification to the division. The totalisator shall keep a log of any such access. Any unauthorized access to these files must be reported to the division within 24 hours along with any associated logs. Accessing the outs file for the purpose of changing or deleting outs values, creating or cashing fraudulent tickets, or identifying tickets in an effort to commit fraud, is prohibited.

(12) Each totalisator site manager or permitholder as applicable under the provisions of paragraphs (a), (b) and (c), shall provide 24 hour security controls for the totalisator computers. These controls shall be capable of detecting unauthorized entry. Unauthorized entry means any individual who enters the area where the totalisator computers are located and who is not on the authorization list or guest list required under the provisions of subsections (13) and (14) of this section and any individual who violates the security controls and procedures established by the totalisator site. The division shall be notified of any unauthorized entry within 24 hours of discovery. Each totalisator site manager and permitholder shall

submit to the division a description of such security controls and procedures. The security description shall be provided to the division annually by the applicable totalisator manager and by the permitholder not later than 10 days prior to the beginning of the meet. The division shall review ~~and approve~~ ~~or disapprove~~ the security description using the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering's Security Plan Guidelines, Hubs, Totalisator Systems and Totalisator Sites, herein incorporated by reference. A copy of these guidelines may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of the guidelines is October 20, 1996.

(a) through (c) No change.

(13) The permitholder may authorize specific individuals and visitors to have access to the room or facility housing totalisator computers. A list of currently licensed individuals authorized to have access to the totalisator room shall be posted at all tote room entrances and submitted annually to the division along with BPR Form 14-005, Notification of Pari-Mutuel Operations adopted and submitted as an attachment to form DBPR 15-006, Permitholder Application for Annual License and Operating Dates, incorporated by Rule 61D-10.001, Florida Administrative Code. Any additions or deletions to the list shall be posted to reflect any employee who is authorized to enter the totalisator room. The division must be notified of any additions or deletions to the list within 10 days.

(a) Licensed individuals shall not bet or pass along privileged information regarding pari-mutuel activities at the locations where they are authorized to enter totalisator facilities. Totalisator employees shall not wager on contests conducted by Florida pari-mutuel facilities being served by the totalisator system for which they are employed to which they have access.

(b) A totalisator company employee may not hold a position of programmer and totalisator operator simultaneously.

(14) through (15) No change.

Specific Authority 550.0251(3),(7), 550.155(1), 550.495(4),(5) FS. Law Implemented 550.0251, 550.155, 550.2633, 550.3551, 550.495 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-7.022 Outs Cashed After the End of the Meet.

(1) No change.

(2) There shall be separate outs accounts for each meet. The reporting shall be segregated by on-track and intertrack wagering. Outsbooks shall only be produced upon the completion of the totalisator cashing activity but not earlier than the end of the meet. Outstanding credit vouchers and intertrack wagering tickets will not be commingled with the pari-mutuel tickets in the outsbook. The outsbook shall be produced by the totalisator operator only with the approval of the mutuels manager, and the totalisator system shall have system controls to prevent unauthorized production of the

outsbook. ~~A division pari-mutuel wagering specialist shall witness the printing of the outsbook except where the uncashed tickets are payable to the permitholder.~~

(a) No change.

(b) The printing of an outsbook will become mandatory and the system will be purged after 120 days from the end of any live meet if the outs account contains outs which are more than 365 days old.

(c) The Mutuels Manager shall sign the last page of the outsbook to indicate that it was approved by the permitholder to be printed. In the event that this is not possible due to the outsbook being printed at the hub, a signed copy of the instruction by the Mutuels Manager to the totalisator manager to print the outsbook must be attached. Possession of a fraudulent outsbook is a violation of these rules. No outsbook may exist in more than two hard copies, one to be maintained by the permitholder for the purpose of cashing outs tickets and the other to be sent to the division. No other copies or extractions shall be made unless requested in writing by the permitholder and so authorized in writing by the division. Access to the outsbook shall be limited to the Mutuels Manager and the persons designated by the permitholder to process the payment of outs tickets.

(3) through (c) No change.

(d) The totalisator operator shall attest by signature and date on the grand total page as to the accuracy of the outsbook. Adjustments to the outs balance will be made manually by the Mutuels Manager and will be documented and attested to by signature. A copy of the outsbook, duly attested to, shall be forwarded to division headquarters by the permitholder by registered mail on the next working day after printing. The outsbook must be accompanied by the permitholder's official written request for its printing.

(e) A separate outsbook for outs in the new system will be produced at the end of the meet or at the end of the cashing activity through the tote, whichever occurs last. In no event will live outs data be retained in the tote system beyond 120 days a year from the last live first performance of the meet.

(4) The outs tickets manually cashed during the dark period of a split meet shall be processed through the totalisator system when the meet resumes to update the outs file. Processing shall be done through a designated terminal and a tote produced list of outs paid record of the tickets processed and an outs report shall be provided to the division pari-mutuel wagering specialist to reconcile the outs account upon prior to reopening.

(a) Processing of outs tickets via reader scanning during the dark period of a split meet, or upon returning for the second half of a split meet, shall be accounted for as follows: A tote produced list of outs paid and an outs report, and all keyboard cashed tickets shall be provided to the division to verify the cashing that occurred during the dark period of the split meet.

(b) Permitholders that operate a meet with two or more separate time periods and/or different locations, for which outs accounting is separate in the totalisator system, shall document and account for tickets in the same way as outs cashed after the end of the meet, from the last day of each separate portion of the meet.

(5) Where the value of the outs is payable to the state or breeders' association, all outs tickets redeemed after the final live performance ~~day~~ of the meet shall be processed and accounted for according to the procedures outlined in this section.

(a) Where outs tickets are processed through a totalisator system via the reader scanner or keyboard entry, a tote produced list of outs tickets paid sorted by issuing permitholder (host) and meet shall be generated. This list shall segregate intertrack outs from on-track outs. This list shall contain as a minimum each cashed outs ticket fully identified as to ticket identification number, the date of sale, the date of ~~or~~ performance for which purchased, the value of the ticket, and the cashing window. Each keyboard cashed ticket shall be identified as such by the totalisator on the list and the list shall be submitted to the division as part of the report of escheated outs. Each keyboard outs ticket cashed must be supported with the actual ticket. The division shall disallow any deductions from the end of meet outs balance for keyboard cashes which are not supported by the applicable tickets except as provided for tote cashes in subsection 61D-7.021(10), Florida Administrative Code. The check number and date of reimbursement for outs ticket cashed issued by another permitholder shall be written on the list, if applicable. In the event that a totalisator system is unable to generate the list of outs paid as required by this rule, the permitholder shall have the following options:

(a)1. through (7) No change.

~~(8) Outstanding messenger bet slips shall be treated similarly to outs tickets for all purposes including accounting, reporting and payments.~~

(8)(9) Where the value of the outs is payable to the state a report of escheated outs shall be prepared on BPR Form ~~DBPR~~ 14-001, Report of Escheated Outs, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and submitted to the division 1 year and 60 days after the end of the meet. Supporting documentation required on ~~the~~ DBPR Form 14-001 shall be attached.

(9)(10) The permitholder who issued the pari-mutuel tickets is the custodian of its outstanding winnings, refundable wagers, and any other money represented by the outs account, and is liable to the state for errors, omissions, and improper deductions made from the outs account by any of its employees or agents.

(10)(11) The value of unclaimed credit vouchers which are issued by a permitholder in exchange for cash or cash equivalent, and which the bearer may use to purchase

pari-mutuel tickets shall not be forwarded to the division with the escheated outs tickets. The same provision shall apply to intertrack wagering tickets.

~~(11)(12)~~ Permitholders changing totalisator systems during a meet shall treat the outs tickets produced from the previous system as outs cashed after the end of the meet.

Specific Authority 550.0251(3),(7), 550.155(1), 550.1645(1), 550.495(4),(5) FS. Law Implemented 550.0251, 550.155, 550.1645, 550.2633, 550.495 FS. History--New 10-20-96, Amended 12-15-97. _____

61D-7.023 Reporting of Wagering Activities, Permitholder and Totalisator Reports.

(1) The permitholder Mutuels Manager shall be provided for review, copies of the information included on BPR Form ~~DBPR~~ 14-015, Distribution of Pari-Mutuel Handle, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, for all on-track wagering, and BPR Form ~~DBPR~~ 14-016, Distribution of Intertrack Handle, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, for all intertrack wagering. These reports are submitted separately for each performance by the state personnel ~~pari-mutuel wagering specialists~~ at each hub facility. Host tracks shall have separate reports for on-track ("live") handle and intertrack handle.

~~(2) For each performance or operating day, any permitholder utilizing messengers as intermediaries between the bettors and the pari-mutuel tellers, shall provide reports to the pari-mutuel wagering specialist using Form DBPR 14-002, Report of Unpurchased Messenger Bets, incorporated by Rule 61D-10.001, Florida Administrative Code, Form DBPR 14-003, Report of Uncashed Messenger Bet Winnings and Refunds, incorporated by Rule 61D-10.001, Florida Administrative Code, and Form DBPR 14-004, Audit of Messenger Bet Receipt Books, incorporated by Rule 61D-10.001, Florida Administrative Code, where applicable. All messenger bet books shall be made available to the pari-mutuel wagering specialist or other division representatives upon request.~~

(2)(3) The totalisator licensee shall be responsible for the correctness of all tote produced mutuel accounting reports. The Mutuels Manager shall be responsible for the correctness of the non-totalisator mutuel department accounting reports.

(3)(4) For each contest within each performance the following totalisator reports shall be produced for each site:

(a) No change.

(b) For intertrack wagering only, a scan report may be transmitted to the host tote in lieu of the pool data for the Superfecta, Trifecta and Superfecta combination, and Quinella Double pools. The guest tote or hub, as applicable, shall print complimentary tables of wagers reflecting the wagering activity in the guest tote or hub. The host tote shall produce tables of wagers reflecting all on track wagers and guest site wagers which have been transmitted from other guest sites. In addition, the guest tote or hub shall print the scan reports and provide copies to the division personnel at the hub ~~pari-mutuel~~

~~specialist on site.~~ A report providing the receipt of the stop bet command for each pool of each guest shall be produced by the host site totalisator system.

(c) For the Pick (N), ~~a an early scan report shall be produced for on track wagers after each the penultimate leg and prior to the last leg of the wager.~~ The early scan shall show the probable winning combinations, the gross pool total and the amounts bet on each possible winning combination.

~~(d) The totalisator shall be programmed to suppress any information related to Pick N wagering activity until after the final leg of the Pick (N) is concluded. Providing any Pick (N) wagering information other than total pool amount is prohibited until after the final leg except as provided for under the provisions of paragraph (e) of this subsection.~~

~~(e) For intertrack and interstate wagering, each participating totalisator site shall produce scan reports after the penultimate leg of the Pick (N).~~

~~(d)(f)~~ Calculation reports for each pool within each contest shall be printed immediately after the official order of finish is declared by the judges or stewards. At intertrack or interstate hosts, the calculations report shall be available upon request for each site wagering into the common pool. The calculation reports shall include as a minimum:

1. through 10. No change.

~~(4)(5)~~ For each contest and performance, a summary of the calculations report as described in subsection ~~(3)(4)~~ shall be produced. The report shall include a recapitulation by type of pool. At intertrack hosts, a summary by type of pool, type of handle and site shall be produced. At Florida interstate hosts, a summary by type of pool, type of handle and site shall be produced.

~~(5)(6)~~(a) For each contest and performance, a liability report shall be produced. The liability report shall include a recapitulation pool by race and summaries thereof (1. Win, Place, Show, 2. Feature pools, and 3. Combined). At intertrack or interstate hosts, a recapitulation by type of pool and summaries thereof (1. WPS, 2. Feature pools, and, 3. Combined), type of handle and site shall be produced. The liability report shall include as a minimum:

1. through (b)8. No change.

(c) Upon request, the totalisator shall produce a liability report segregating, as applicable, contest, pool and site the above criteria (1) through (8) both cumulatively and non-cumulatively and, where applicable, for a range of races or games.

~~(6)(7)~~ The following totalisator reports shall be printed for each performance or operating day:

(a) through 3. No change.

4. The totalisator shall produce a cashed ticket report which separates daily tickets cashed from outs tickets cashed by site. Such report may be in summary format and must be made available to the division upon request.

(b) through (g) No change.

(h) In the absence of a daily tote produced report of all tickets which were purchased by the totalisator licensee as result of terminal malfunctions, a log of such purchased tickets shall be maintained by the totalisator operator and available provided to the division pari-mutuel wagering specialist daily. Damaged or incomplete tickets issued as a result of a malfunction shall be available to a division representative upon request. The log shall include the following:

1. through (i) No change.

(7) Logs shall be maintained, which indicate the time of day of each entry for each terminal other than a Ticket Issuing Machine (TIM) operating during a day. The log shall show:

(a) Each log-on/log-off and the operator's ID code.

(b) Each command or transaction entered, and the device that issued the command. This shall also include each Stop Betting, Order of Finish, Official, or Sales Open command.

(c) Each occurrence which is evident in the system, of loss/restoration of wagering communication between computers or sites.

(d) Each occurrence of discrepancy between computers or sites when comparing databases. This could be between different tote systems, or within the same tote company if multiple databases are used such as in a master/slave/clone scenario.

(8) In addition to the reports listed in the preceding sections, each totalisator operator shall keep a record of all totalisator malfunctions. This record shall contain the description, date, and time of each malfunction and shall be made available to the division hub personnel ~~pari-mutuel wagering specialist~~ within 48 hours.

(9) No change.

(10) All the above-indicated totalisator reports shall be printed at the pari-mutuel facility serving as a totalisator hub. In addition, each totalisator company shall provide electronic downloads of wagering data compatible with the division's centralized database irrespective of the location of the totalisator. Each report shall include the permitholder's name, date of report, and time of generation. The totalisator operator shall provide to the division hub personnel ~~pari-mutuel wagering specialist~~ a copy of each totalisator report produced pursuant to this rule immediately upon printing.

(11) No change.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-7.024 Totalisator Requirements.

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

2. A tote control console, and a printer where the console activity is recorded. The console record of activity shall be delivered upon request to the division hub personnel ~~pari-mutuel wagering specialist~~.

3. A voice line and facsimile machine with separate phone line. This equipment shall be accessible to the division hub personnel ~~pari-mutuel wagering specialist~~.

(b) through (3) No change.

(a) The odds on the Win Pool wagering. Odds cycle shall not be more than 90 seconds commencing after the previous race or game is declared official, and the "posting" of the next current race;

(b) through (6)(a) No change.

(b) Not later than ~~45~~ 40 days prior to implementation, any plans to introduce new totalisator hardware or software to existing systems affecting the following areas:

(b)1. through (c)4. No change.

(7) Each permitholder and each totalisator licensee, upon request from the division, shall arrange for an ~~tote system~~ audit of the totalisator system. The test will be performed by the division staff in conjunction with appropriate permitholder and totalisator personnel, and will include procedures to determine if the totalisator system is operating in compliance with pari-mutuel wagering rules and regulations. The audit shall be under the direction and control of division audit personnel. Each totalisator licensee shall notify the division 48 hours in advance of any test other than routine daily procedures or emergency tests to be conducted by the totalisator company. In the case of emergency tests, an appointed division representative ~~the pari-mutuel wagering specialist~~ shall observe the test and be notified as soon as possible prior to the actual testing.

(8) In the event of a computer, peripheral equipment or data transmission malfunction at any affected site, the totalisator operator shall inform the Mutuels Manager and the division hub personnel ~~pari-mutuel wagering specialist~~ promptly of the type of problem, malfunction or error and estimated time of repair.

(a) through (10) No change.

(11) Within 48 hours of a malfunction, BPR Form ~~DBPR~~ 14-019, Totalisator Operator Report of System Event or Malfunction/Mutuel Manager Report of Totalisator Malfunction or Event, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, shall be filed with the division hub personnel ~~pari-mutuel wagering specialist~~ by both the tote representatives and the Mutuels Managers involved.

(12) No change.

(a) Both the incorrect and corrected calculations reports shall be kept as part of the mutuels records and copies of each shall be provided to the division hub personnel ~~pari-mutuel wagering specialist~~.

(b) through (d) No change.

(e) With respect to a liability resulting from either an underpayment or overpayment, underpayments and overpayments from distinct and separate pools shall be managed by permitholders within the meet. Underpayments

may be used to offset overpayments with the provision that any remaining underpayment at the end of a meet be distributed in a pool approved by the division within the last seven days of a meet. Permitholders shall report all underpayments and overpayments to the division, as well as notify the division when using underpayments to offset overpayments. Adjustments to pools when offsetting must follow the procedures detailed in paragraph 61D-9.003(4)(b) and subsection (7), Florida Administrative Code, 61D-9.003(7) and must be supported with documentation.

(f) through (18) No change.

(a) The outs file shall be updated at the end of each performance or operating day and reports as required by this chapter shall be printed and provided to the state hub personnel ~~pari-mutuel wagering specialist on site~~.

(b) Both the totalisator licensee and the permitholder will be responsible for the integrity of the outs file and shall have documented internal controls to prevent unauthorized access. Such internal controls shall be included in the security description required by subsection 61D-7.021(12) ~~61D-7.017(12)~~, Florida Administrative Code.

Specific Authority 550.0251(3),(7), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.155, 550.495 FS. History--New 10-20-96, Amended 12-15-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES: RULE NOS.:
 Financial Reporting Requirements 61D-8.002
 Purse Requirements, Greyhound Racing 61D-8.006
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes to accounting and auditing procedures in an attempt to provide more efficient reporting and compliance with statutes and rules regarding wagering related activity.

SUMMARY: The rules provide for financial reporting requirements regarding timely payments and reports for statutory purses, breeders' and stallion awards and moneys due to other tracks regarding wagering activity.

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 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: 550.0251(3),(7),(9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.0914(2)(d), 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 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: 10:00 a.m. – 12:00 Noon, June 16, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-8.002 Financial Reporting Requirements.

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

(f) Horse racing permitholders shall forward a copy of the check remitted to the respective breeders' association as contribution to the breeders' and stallion awards fund, along with the monthly remittance report. In thoroughbred racing, remittances based on receipts derived from outgoing simulcasts shall be supported with a schedule listing each out-of-state betting site and the related receipt amount. If a remittance to the breeders' association occurs when no monthly report is due, the permitholder shall forward a copy of the check along with support for the payment, and explain the reason for the delay. Any permitholder that imposes a surcharge on winning pari-mutuel tickets shall file Form

~~DBPR 14-027, Surcharge Tax Monthly Remittance Report for Guest Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

(4) through (7) No change.

(8) A complete written response must be provided at the request of the division within twenty-one (21) days of the date of issuance of any report, audit findings, or other formal request for information, by the auditee, unless otherwise specified in such request.

(9) Each permitholder shall make payments related to intertrack or simulcast wagering to guest facilities or host facilities, and for purses and breeders'/owners' associations, on the day it pays state taxes pursuant to Section 550.0951(5), Florida Statutes.

Specific Authority 550.0251(3),(7),(9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS. Law Implemented 550.0251, 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-8.006 Purse Requirements, Greyhound Racing.

(1) As required in Section 550.09514(2)(f), Florida Statutes, each greyhound racing permitholder shall, during the permitholder's race meet, supply kennel operators and the Division of Pari-Mutuel Wagering with weekly reports showing purses paid on each wagering category, within 10 days of Sunday after the end of any payment week. The weekly report shall reflect purse payments and handle by the following categories:

(a) Purses paid on live greyhound races;

(b) Purses paid for simulcast imports;

(c) Purses paid on greyhound intertrack and simulcast broadcasts as a host, separated by market area, or non-market area, if applicable, and commission calculations;

(d) As a guest, purses paid on greyhound intertrack and simulcast broadcasts;

(e) Purses paid when permitholder is a host for a non-greyhound permitholder, and when a guest during any dark period deferred from the previous fiscal year after the live meet;

(f) Simulcast export handle and commissions received for which purses are paid, with related transmission costs;

(g) Additional purse supplements for daily license fees or cardroom gross receipts;

(h) Any stakes and/or additional purse payments added;

(i) Any deductions from the gross purses and a description of such.

(2) Also, a report is required which summarizes all weekly purse payments made for the fiscal year including all categories enumerated in subsections (1)(a) through (1)(i) of this rule. This report and all supporting accounting records shall be submitted within 30 days of the end of each live meet and will be subject to audit under the provisions of Section 550.09514, Florida Statutes.

Specific Authority 550.6305(5) FS. Law Implemented 550.09514(2)(d) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Interstate and Intertrack Broadcasts	61D-9.001
Interstate and Intertrack Broadcasts – Emergency Procedures	61D-9.003
Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities	61D-9.004
Intertrack and Interstate Wagering, Hub Systems Requirements	61D-9.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes to accounting and auditing procedures, and totalisator security requirements in an attempt to provide greater security for wagering related information and more efficient reporting and compliance with statutes and rules regarding wagering related activity.

SUMMARY:

- Rules are revised to reflect the elimination of the pari-mutuel wagering specialist.
- The rules revise and provide for reporting requirement related to interstate and intertrack broadcasts.
- Rules are revised to make the totalisator site manager for a permitholder responsible for a security plan.
- Rule regarding posting of changing of odds is clarified.
- Requires guest tracks shall provide in the official program mailing instructions or contact information for cashing an intertrack wagering ticket.
- Provides reporting requirements for guest tracks regarding emergency procedures.

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 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: 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.125, 550.155, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 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: 10:00 a.m. – 12:00 Noon, June 16, 2004
 PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-9.001 Interstate and Intertrack Broadcasts.

(1)(a) Florida permitholders shall provide documentation supporting information reported on DBPR Form 14-028A, Notification of Interstate Broadcasting, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the Division for purposes of auditing and review and shall provide for audit purposes documentation supporting the gross revenue received from outof state guests on broadcast events originating live in this state ~~To ensure compliance with the breeders' and stallion awards requirement set forth in Chapter 550, Florida Statutes, Section 550.2625(3), and purse requirements in Section 550.6305, Florida Statutes, Florida permitholders shall provide the following documentation for review and audit upon request:-~~

(a) A report in the aggregate and by payer, for the specific periods requested, the monthly gross revenues received from out-of-state events originating live in Florida.

(b) On intertrack wagering on simulcasts (rebroadcasts), a report by out-of-state live facility and by Florida guest site, which shall include the handle, total takeout, and its distribution, including rates and fees to Florida guests, rates and payments to out-of-state facilities, rates and amounts for owners' awards or purses, and amounts for breeders' awards.

(c) On on-track wagering on simulcasts, a report by out-of-state live facility, which shall include the handle, gross revenue (takeout and breaks), distribution of the gross revenue, including rates and amounts to out-of-state live facilities, broadcast expenses related to amounts for which purse payments are required, amounts for breeders' awards, and amounts for purses. The permitholders shall also provide additional supporting documentation as needed by the division for this paragraphs (a) and (b) above.

~~(d)(b)~~ No permitholder shall enter a contractual agreement that is in violation of, or may be construed as waiving, the requirements of these rules or Chapter 550, Florida Statutes.

~~(e)(e)~~ Where pools are commingled from out of state into Florida, a Florida host permitholder shall require the out-of-state guest to provide any information necessary for the host's accounting of its pari-mutuel activities. This information relating to the accumulation, calculation and distribution of the applicable pools will be requested by the division from the out-of-state guest.

(2) No change.

(a) Each totalisator site manager for a permitholder which desires to operate as an intertrack or interstate host facility track shall ~~provide~~ furnish a security plan to the Division of Pari-Mutuel Wagering a security plan at least 10 days prior to the initial implementation of intertrack or interstate wagering. A new security plan shall be submitted 10 days prior to a change in a permitholder's totalisator company or to the effective date of any change to the security plan. The security plan shall include as a minimum the information requested by the Division of Pari-Mutuel Wagering's Security Plan Guidelines for Intertrack or Interstate Host Tracks herein incorporated by reference. A copy of these guidelines may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of each of these guidelines is October 20, 1996.

(b) No change.

(c) Each Florida interstate guest permitholder shall file with the division hub personnel pari-mutuel wagering specialist ~~BPR Form DBPR 14-028B, Notification Regarding Commingled Pools,~~ adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, not later than 2 working days prior to the broadcast if its wagers are to be included in an out-of-state host's pools.

(d) through (5)(d) No change.

(6) The cycle of the change of odds, and the display of such, at all intertrack permitholders shall not be more than 90 seconds commencing after the previous race or game is declared official, and the "posting" of the next current race. An explanation shall be provided in the official program or posted prominently on each level of the facility indicating that final odds may be delayed due to the accumulation and transfer of intertrack or interstate wagering data.

(7)(a) through (9)(c) No change.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History--New 10-20-96, Amended 12-15-97, _____.

61D-9.003 Interstate and Intertrack Broadcasts – Emergency Procedures.

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

(c) Subsequent to the event, the host Mutuels Manager and tote representative, and the Mutuels Manager and tote representative of each affected intertrack guest or hub shall prepare and submit to the division hub personnel pari-mutuel wagering specialist a report indicating why the transfer of data could not be completed electronically and that the pools were merged manually. For interstate wagering, the Florida host Mutuels Manager shall require this report as support documentation of the merging of the pools. Each report shall include a copy of the table of wagers prior to the merge. Additionally, the hub host report shall include:

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

3. A worksheet signed by the host tote representative and the division hub personnel host pari-mutuel wagering specialist showing total dollars bet in each pool and the final prices.

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

1. Pay host track prices pursuant to the provisions of paragraph (4)(b) ~~for pools where odds or will pays have been displayed;~~ or

(a)2. No change.

3. Distribute the pools ~~for which no odds or will pays have been displayed~~ to the Florida winners in accordance with the Florida pari-mutuel wagering rules using payout prices calculated on the separate pool.

(b) No change.

(c) The Florida primary guest shall elect a policy option and shall indicate the option chosen on BPR Form 14-029A, Notification of Intertrack Wagering, file Form DBPR 14-032, Option Selected For Interstate Wagers Excluded From Host Pools, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, upon ~~with the Division prior to~~ becoming an interstate guest.

(6) through (8) No change.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.6305 FS. History--New 10-20-96, Amended 12-15-97, _____.

61D-9.004 Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities.

(1) through (b) No change.

(c) Each host track shall require separate outs reports for wagers placed at the host track and wagers placed at each guest track. The track maintaining the outs files must be able to produce, upon request, a listing of outs purged from their totalisator. The outs files shall indicate the point of sale for each ticket listed. ~~Copies of all outs reports from guest track or hub sites shall be provided to the pari-mutuel wagering specialist at the applicable guest track or hub site.~~

(2) through (3)(f) No change.

(4) Host tracks shall explain in the official intertrack or simulcast program information regarding ticket cashing at the guest site, and the location and method of remitting winning tickets for cashing after the initial cashing period ~~time~~ has expired at the guest location.

(5) Guest tracks shall provide in the official program mailing instructions or contact information for cashing an intertrack wagering ticket at the host location.

~~(6)(5)~~ Wagers cannot be canceled at any facility other than at the facility where the ticket was purchased.

~~(7)(6)~~ Guest greyhound tracks which conduct separate pools of intertrack wagers shall provide written notice to the division at least 2 working days prior to conducting the pools. Such notice shall contain the name of the host track and the date of the event for which separate pools are to be conducted.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History–New 10-20-96, Amended 12-15-97,_____.

61D-9.005 Intertrack and Interstate Wagering, Hub Systems Requirements.

(1) No change.

(2) Each hub system shall be programmed to record, classify and accumulate wagering data, and do calculations as required in the Intertrack Wagering rules and rules governing pari-mutuel wagering and shall meet the requirements of a totalisator system as defined in Rule 61D-7.024 ~~61D-13.020~~, Florida Administrative Code.

(3)(a) through (6)(b) No change.

1. Where the hub receives wagering data from the guest tracks’ totalisators, the Mutuels Manager of each guest track shall apply the stop bet command not later than the start of the contest. Corrective action will begin immediately and a report shall be submitted to the division hub personnel ~~pari-mutuel wagering specialist at the host track~~ within 48 hours of the failure.

(b)2. through (9)(i) No change.

(j) A liability report for each guest whose terminals are linked to the hub. The report shall identify the guest and host and shall contain the date, the generation time, and the guest’s share of each gross pool and related refunds, commissions,

winnings, and breaks. In the event that the guest is maintaining separate intertrack wagering pools there shall be separate liability summaries for both the commingled and non-commingled pools. Copies of these reports shall be provided to the division ~~pari-mutuel wagering specialist at the hub~~ personnel.

(k) No change.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History–New 10-20-96, Amended 12-15-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 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 Optometry

RULE TITLE: Exemption of Spouse of Member of
 RULE NO.: 64B13-5.003

Armed Forces from License
 Renewal Requirements
 PURPOSE AND EFFECT: The Board proposes to exempt spouses of members of the Armed Forces from licensure renewal provisions.

SUMMARY: The new rule proposes to exempt spouses of members of the Armed Forces from licensure renewal provisions.

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

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

SPECIFIC AUTHORITY: 456.024, 463.005 FS.

LAW IMPLEMENTED: 456.024, 463.005 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-5.003 Exemption of Spouse of Member of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces and who at the time the absence became necessary was in good standing with the Board of Optometry and entitled to practice optometry in Florida shall be exempt from all licensure renewal provisions. The licensee must document the absence and the spouse's military status to the Board.

Specific Authority 456.024, 463.005 FS. Law Implemented 456.024, 463.005 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

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

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Formulary of Topical Ocular Pharmaceutical Agents 64B13-18.002

PURPOSE AND EFFECT: The Board proposes an amendment to the rule in order to update the formulary list and notify licensees that the topical ocular pharmaceutical formulary list is located at the Board office and on the website.

SUMMARY: The rule amendment deletes unnecessary legend drugs, updates the formulary list, and notifies the licensees that the topical ocular pharmaceutical formulary list is located at the Board office and on the website.

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: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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 R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The formulary list shall be maintained at the Board office and available on the website. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination:

- (1) CYCLOPLEGIC AND MYDRIATICS ~~—any except~~
 - (a) ~~Atropine sulfate in concentrations greater than 1%;~~
 - (b) ~~Phenylephrine HCL in concentrations greater than 2.5%; and~~
 - (c) ~~Cyclopentolate HCL in concentrations greater than 2%.~~
- (2) LOCAL ANESTHETICS ~~—any-~~
- (3) DIAGNOSTIC PRODUCTS ~~—any-~~
- (4) ~~OPHTHALMIC DECONGESTANTS / ANTIHISTAMINE COMBINATIONS —any-~~
- (4)(5) ~~ANTIBACTERIAL —any except chloramphenicol-~~
- (5)(6) ~~NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS —any-~~
- (6)(7) ~~ANTI-HISTAMINES, MAST CELL STABILIZERS AND ANTI-ALLERGY AGENTS —any-~~
- (7)(8) ~~ANTIVIRAL AGENTS —any-~~
- (8)(9) ~~ANTI-GLAUCOMA AGENTS —any except cholinesterase inhibitors-~~
- (9)(10) ~~MISCELLANEOUS —any other topical ocular legend agent not otherwise classified above, except for agents classified as antifungal-~~

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Supervised Experience Requirements RULE NO.: 64B19-11.005

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the definition of "supervisor" in instances where the applicant is on active duty with the armed forces.

SUMMARY: The proposed rule amendment permits applicants who are on active duty with the armed forces to be supervised by a doctoral-level psychologist whose license is in good standing in any state, regardless of where the supervision is conducted.

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: 490.004(4) FS.

LAW IMPLEMENTED: 490.005(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.005 Supervised Experience Requirements.

The law requires 4,000 hours of supervised experience for licensure. The Board recognizes that the applicant's internship satisfies 2,000 of those hours. This rule concerns the remaining 2,000 hours.

(1) Definitions. Within the context of this rule, the following definitions apply:

(a) through (b) No change.

(c) "Supervisor." A supervisor is either a licensed Florida psychologist in good standing with the Board, or a doctoral-level psychologist licensed in good standing in another state providing supervision for licensure in that state. However, where the applicant is on active duty with the armed services of the United States, the supervisor may be a doctoral-level psychologist licensed in good standing in any state, regardless of where the supervision is conducted.

(2) through (4) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.005(1) FS. History—New 11-18-92, Amended 7-14-93, Formerly 21U-11.007, Amended 6-14-94, Formerly 61F13-11.007, Amended 1-7-96, Formerly 59AA-11.005, Amended 12-4-97, 8-5-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 9, 2004

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES: RULE NOS.:
Qualifications to Practice Juvenile Sexual Offender Therapy 64B19-18.0025

Prohibition Against Treating Psychologists Performing Forensic Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation 64B19-18.006

Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes 64B19-18.007

PURPOSE AND EFFECT: The proposed amendments to Rule 64B19-18.0025, F.A.C., are intended to update the rule with regard to those practicing juvenile sexual offender therapy. Rule 64B19-18.006, F.A.C., is being repealed. The substantial rewording of Rule 64B19-18.007, F.A.C., is intended to set forth criteria for those evaluating minors for the purpose of addressing custody, residence or visitation disputes.

SUMMARY: Rule 64B19-18.0025, F.A.C., sets forth criteria for those practicing juvenile sexual offender therapy. Rule 64B19-18.006, F.A.C., is being repealed. Rule 64B19-18.007, F.A.C., sets forth criteria for those evaluating minors for the purpose of addressing custody, residence or visitation disputes.

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: 490.004(4), 490.012(8), 490.0145 FS.

LAW IMPLEMENTED: 490.009(2)(s), 490.012(8), 490.0145 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy.

Effective ~~December 31, 2005~~, a psychologist ~~October 1, 2000~~ ~~an individual~~, prior to practicing ~~holding oneself out as a~~ juvenile sexual offender ~~therapy therapist~~, must be a Florida licensed psychologist, except as otherwise provided within Section 490.012, F.S. ~~Chapter 98-158, Laws of Florida~~. The psychologist ~~individual~~ shall have education, training, and experience that demonstrates competency and interest in this area of practice. The training of a psychologist practicing juvenile sexual offender therapy therapist must include: 1) coursework and/or training at least nine hours of coursework in child behavior and development, and in child psychopathology, and child assessment and treatment; and 2) thirty (30) hours of training in juvenile sex offender assessment and treatment integrated with juvenile assessment, diagnosis, and treatment.

Specific Authority 490.004(4), 490.012(8), 490.0145 FS. Law Implemented 490.012(8), 490.0145 FS. History—New 2-21-99, Amended _____.

64B19-18.006 Prohibition Against Treating Psychologists Performing Forensic Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation.

Specific Authority 490.004(4) FS. Law Implemented 490.009(2)(s) FS. History—New 6-14-94, Formerly 61F13-20.006, Amended 2-8-96, Formerly 59AA-18.006, Repealed _____.

(Substantial rewording of Rule 64B19-18.007 follows. See Florida Administrative Code for present text.)

64B19-18.007 Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes.

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

(a) "Parent" means parent or legal guardian identified by the court order.

(b) "Child(ren)" means those identified by the court order.

(2) The minimum standard of performance in court-ordered child custody evaluation and family law proceedings includes, but is not limited to, the following:

(a) The psychologist shall adhere to the APA Guidelines for Child Custody Evaluations in Divorce Proceedings, and the specialty guidelines for Forensic Psychologists and all pertinent Florida law.

(b) The psychologist who has accepted an appointment as an evaluator shall not serve as guardian ad litem, mediator, therapist or parenting coordinator regarding the children in the instant case. The psychologist who has had a prior role as guardian ad litem, mediator, therapist or parenting coordinator shall not accept an appointment as an evaluator for the children in the instant case.

(c) The psychologist shall inform the parents or legal guardian in writing and obtain their signature verifying notification of the limits of confidentiality.

(d) The psychologist shall submit the evaluation report pursuant to court order or provide prior notification to the court, if the report will not be provided by the due date.

(e) The evaluation report shall include all of the following. The failure to include any of the following shall be documented.

1. Evaluations of both parents, or legal guardian including observations, test results, and impressions.

2. Evaluations of the children identified in the court order including observations and where appropriate, test results and impressions.

3. Description of interactions between each parent or legal guardian and each child identified in the court order.

4. Collateral sources of information as needed.

5. Request medical records as needed.

(3) It is a conflict of interest for a psychologist who has treated a minor or any of the adults involved in a custody or visitation action to perform a forensic evaluation for the purpose of recommending with which adult the minor should reside, which adult should have custody, or what visitation should be allowed. Consequently, a psychologist who treats a minor or any of the adults involved in a custody or visitation action may not also perform a forensic evaluation for custody, residence or visitation of the minor. A psychologist may provide a court, or a mental health professional performing a forensic evaluation, with factual information about the minor derived from treatment, but shall not state an opinion about custody, residence or visitation disputes.

Specific Authority 490.004(4) FS. Law Implemented 490.009(2)(s) FS. History—New 6-14-94, Formerly 61F13-20.007, Amended 1-7-96, Formerly 59AA-18.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 64B19-18.0025 (Feb. 24, 2004); 64B19-18.006 (Nov. 21, 2003); 64B19-18.007 (Dec. 27, 2002)

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:
6A-10.044

RULE TITLE:
Residency for Tuition Purposes

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 16, April 16, 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."

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

RULE NO.: RULE TITLE:
29J-2.009 Strategic Regional Policy Plan for South Florida

NOTICE OF HEARING CHANGE

A Notice of Proposed Rule for the above referenced Rule was published in the May 14, 2004 edition of the FAW. The location of the hearing has been changed.

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

TIME AND DATE: 10:30 a.m., June 7, 2004

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Blvd., Duck Key, Florida 33050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Daniels, South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: RULE TITLE:
60A-1.001 Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 17, April 23, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: RULE TITLE:
60A-1.003 Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 17, April 23, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NOS.:	RULE TITLES:
60A-1.009	Emergency Purchases of Commodities or Contractual Services
60A-1.010	Single Source Purchases of Commodities or Contractual Services
60A-1.011	Identical Responses Received
60A-1.025	State Purchasing Agreements
60A-1.047	Alternate Contract Sources of Commodities and Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 10, March 5, 2004 issue of the Florida Administrative Weekly:

PROPOSED RULE 60A-1.009, F.A.C., WAS CHANGED TO READ AS FOLLOWS:

60A-1.009 Emergency Purchases of Commodities or Contractual Services.

(1) Filing Notice with the Department. Section 287.057(5)(a), F.S. defines the term "emergency purchase," and details the requirements an agency must follow in making an emergency purchase of commodities or services. In order to comply with the reporting requirement therein, agencies must file with the Department Form PUR 7800 (03/04), "Notice of Emergency Purchase," which is hereby incorporated by reference, within thirty (30) days after date of issuance of the emergency purchase order or contract. This form is available on the internet at <http://dms.myflorida.com/purchasing>.

(2) through (4) No change.

Specific Authority 287.042(12) FS. Law Implemented 287.001, 287.057(5)(a) FS. History—New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 11-12-84, 12-17-85, Formerly 13A-1.09, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.009, Amended 1-9-95, 7-6-98, 1-2-00, _____.

PROPOSED RULE 60A-1.010, F.A.C., WERE CHANGED TO READ AS FOLLOWS:

60A-1.010 Single Source Purchases of Commodities or contractual Services.

Single source purchases are purchases of commodities or contractual services available only from a single source. Pursuant to Section 287.057(5)(c), F.S., such purchases are excepted from the competitive solicitation process.

(1) Posting of Description of Intended single Source Purchase. If an agency believes that a commodity or contractual service is available only from a single source and the total cost is in excess of the threshold for Category Two, the agency shall electronically post Form PUR 7776 (02/04), "Description of Intended Single Source Purchase," which is

hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/purchasing>. This notice shall be posted for at least seven (7) business days.

(2) No change.

(3) Final Determination if Total Cost does not exceed Category Four. After making the written determination required by paragraph 2 above, if the total cost of the single source purchase does not exceed Category Four the agency shall provide notice of its decision to enter into a single source purchase by utilizing Form PUR 7778 (02/04), "Notice of Intended Decision to Enter Into a Single Source contract," which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/purchasing>. This notice must be electronically posted in accordance with Section 120.57(3), F.S.

(4) No change.

(a) Certification Filed with Department. The certification and request for approval must be submitted to the Department using Form PUR 777 (02/04), "Single Source Certification and Request for Approval," which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/purchasing>. The submission must be made via electronic mail and must be addressed to singlesource@dms.state.fl.us.

(b) Department Review of Certification. The Department shall review all requests properly submitted and shall approve or disapprove all requests within 21 days of receipt. Failure by the Department to respond to a request within 21 days of receiving a request or receiving additional requested information shall constitute approval of the request. ~~If the Department requests additional information from the agency in order to make its determination, the 21 day period begins anew.~~ The Department shall approve all requests submitted if the agency has provided all required documentation in accordance with Section 287.057 (5)(c), F.S. and this rule. The requesting agency retains authority and responsibility to determine whether or not a single source is justified. Agencies are encouraged to review Section 838.22(2), F.S. regarding circumvention of competitive bidding processes.

(c) No change.

(5) through (7) No change.

Specific Authority 287.042(12) FS. Law Implemented 287.001, 287.057(5) FS. History--New 2-6-68, Revised 5-20-71, Amended 8-6-81, 2-28-85, 12-17-85, Formerly 13A-1.10, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.010, Amended 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00, _____.

PROPOSED RULE 60A-1.011, F.A.C., WAS CHANGED TO READ AS FOLLOWS:

60A-1.011 Identical Responses Received.

(1) Criteria. When evaluating vendor responses to solicitation, if the agency is confronted with identical pricing or scoring ~~(as applicable)~~ from multiple vendors, the agency

shall determine the order of award using the following criteria, in the order of preference listed below (from highest priority to lowest priority):

(a) through (2) No change.

Specific Authority 287.042(12) F.S. Law Implemented 287.051(1),(12), 287.082, 287.084, 287.087, 287.092 FS. History--New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 2-13-83, 10-13-83, 3-1-84, Formerly 13A-1.11, Amended 11-3-88, 4-10-91, Formerly 13A-1.011, Amended _____.

PROPOSED RULE 60A-1.025, F.A.C., WERE CHANGED TO READ AS FOLLOWS:

60A-1.025 State Purchasing Agreements.

(1) Requesting a State Purchasing Agreement. State Purchasing Agreements are driven by eligible users' requirements, and eligible users shall ~~may~~ request that the Department establish such agreements by submitting to the Department PUR 7721 (02/04), "Request for State Purchasing Agreement," which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/purchasing>. The commodity or service the eligible user wishes to acquire must be valued at less than Category Two in order to comply with the competitive solicitation requirement of Section 287.057, F.S.

(2) Establishing a State Purchasing Agreement. After receiving PUR 7721 for an eligible user, the Department will attempt to establish a State Purchasing Agreement with a supplier offering the best value for the requested commodity or service. The supplier must agree to the terms contained in PUR 7722 (02/04), "State Purchasing Agreement," which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/purchasing>.

Specific Authority 287.042(12) FS. Law Implemented 287.042(2)(a) FS. History--New _____.

PROPOSED RULE 60A-1.047, F.A.C., WERE CHANGED TO READ AS FOLLOWS:

60A-1.047 Alternate Contract Sources of Commodities and Services.

(1) Requests for alternate contract source approval. Agencies may request permission from the Department to purchase commodities or services from term contracts or requirements contracts competitively established by other governmental entities. Agencies must submit Form PUR 7102 (03/04), "Agency Request for Review of Alternate Contract Source," which is hereby incorporated by reference, in order to request permission. This form is available on the internet at <http://dms.myflorida.com/purchasing>. The contract must contain specific language or other legal authority authorizing third parties to make purchases from the contract with the vendor's consent.

(2) No change.

(3) Department identification of alternate contract sources. The Department shall ~~may~~ independently identify term contract or requirements contracts awarded by other governmental entities, and approve such alternate contract sources for use by agencies. The Department shall only approve those alternate contract sources that are cost-effective and in the best interest of the State."

(4) Alternate contract sources available online. The Department shall maintain on its website a list of all current alternate contract sources and the agencies authorized to use such contracts. The Department's website is <http://dms.myflorida.com>.

(5) No change.

Specific Authority 287.042(12) FS. Law Implemented 287.042(16) FS. History--Formerly 60A-1.008(3)(b), Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard L. Brown, Division of State Purchasing, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399, (850)488-3049

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NOS.:	RULE TITLES:
60A-1.012	Purchasing Categories and Adjustments Thereto
60A-1.016	Contract and Purchase Order Requirements
60A-1.021	Electronic Posting of Decisions and Intended Decisions
60A-1.042	Request for Information
60A-1.063	Present Value Methodology

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 14, April 2, 2004 issue of the Florida Administrative Weekly:

60A-1.012 Purchasing Categories and Adjustments Thereto.

~~(1) Purchasing Categories. The following threshold categories are established:~~

- ~~(a) Category One: \$15,000.~~
- ~~(b) Category Two: \$25,000.~~
- ~~(c) Category Three: \$50,000.~~
- ~~(d) Category Four: \$150,000.~~
- ~~(e) Category Five: \$250,000.~~

~~(1)(2)~~ Adjustments to Purchasing Categories. State Purchasing will may adjust the dollar amount for the purchasing categories based on the April publication of the United State Department of Commerce Survey of current Business Table 7.11B, using the price index for state and local government. The amounts for the threshold categories will be adjusted as follows:

(a) The rate of adjustment applicable to the threshold amounts is the percent increase or decrease in the chain-type price index from the base year value for 1992, which is 97.9, through the year previous to the year of annual adjustment as shown in the United States Department of Commerce Survey of Current Business as referenced above.

(b) This rate of adjustment is applied to the base threshold amounts to calculate the threshold amount for the year of adjustment.

The following formula illustrates this method: Threshold for Year of Adjustment = Base Threshold × [Price Index in April Publication for the Year Prior to the Year of Adjustment divided by 97.9]

~~(2)(3)~~ Timing and Application of Categories. Notwithstanding the pint in time in which payment is made for the commodities or services, for the purpose of applying the threshold categories to a purchase, the earliest of the following dates shall govern:

- (a) The date on which the solicitation is issued.
- (b) The date the purchase order is issued.
- (c) The date on which the contract is entered into.

Specific Authority 287.042(12), 287.017(2) FS. Law Implemented 287.017 FS. History--Formerly 60A-1.001(10), Amended _____.

60A-1.016 Contract and Purchase Order Requirements.

(1)(a) Prior to making a purchase, an agency shall ~~should~~ review current surplus property certifications ~~to utilize commodities listed therein to the maximum extent practicable.~~

(b) All purchases shall be in writing or through the State's Purchasing Card Program.

(2)(a) A written agreement in excess of the threshold amount of Category Two shall be signed by the agency head and the vendor prior to the rendering of the contractual services ~~and/or~~ the delivery of the commodity, expect in the case of a valid emergency as certified by the agency head. If the agency chooses to procure commodities or contractual services by purchase order in lieu of a written agreement, the purchase order shall be signed by the authorized purchasing or contracting personnel. When there is no emergency and the agency fails to have the written agreement signed as required, the agency head, no later than 30 days after the vendor begins rendering the service ~~and/or~~ delivering the commodity, shall certify the conditions and circumstances as well as action taken to prevent reoccurrence, to State Purchasing using the "Notice of Non-Compliance," Form PUR 1010 (03/04), which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/purchasing>. Pursuant to Section 287.058(2), F.S., the agency shall also send a copy of this form to the chief Financial Officer with the voucher authorizing payment.

(b) Any contract which binds the state or its executive agencies for purchases for a period continuing beyond the fiscal year shall include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

~~(c) Any contract between an agency and a private contract vendor shall contain the language provided in Sections 946.515(6) and 413.036(3), F.S., if at the time the contract is entered into, any product or service which is the subject of, or required to be carried out, the contract has been certified by the Department of Management Services as a correctional work program item or is on the procurement list of the qualified nonprofit agency for the blind or for the other severely handicapped.~~

~~(c)(d)~~ All contracts that limit the liability of a contractor shall be consistent with Section 672.719, F.S.

(3) Purchase Order Requirements. To the extent that these requirements are not superceded by an electronic procurement system, the chief procurement officer of each agency is responsible for:

(a) Securing all unused purchase orders in a safe place and restricting access to these documents.

(b) Maintaining a file and accounting system for all consecutive purchase orders issued or voided.

(c) Maintaining a record of persons authorized to issue and sign each type of purchase order.

(d) Monitoring and reviewing processes for the use of purchase orders and field purchase orders.

~~(e) Ensuring The agency is also responsible for ensuring that all purchase orders contain the solicitation number (# applicable), statements regarding the quantity, description, and price of goods or services ordered; applicable terms as to payment, discount, date of performance, and transportation; and liquidated damages, if appropriate.~~

Specific Authority 287.032, 287.042 FS. Law Implemented 287.017, 287.042, 287.057, 287.058, 287.133 FS. History--New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98, 1-2-00, _____.

60A-1.021 Electronic Posting of Decisions and Intended Decisions.

~~(+) All agency decisions or intended decisions (as defined in Rule 28-110.002, F.A.C.) shall be electronically posted on the myflorida.com website. All competitive solicitations issued by agencies pursuant to Sections 287.051(1)-(3), F.S., shall be advertised by electronic posting for no less than 10 calendar days prior to the date for receipt of responses, unless the agency determines in writing that a shorter period of time is necessary to avoid harming the interests of the state. All competitive solicitations issued by agencies pursuant to Sections 287.057(1) (3), F.S. shall be advertised by electronic posting for no less than 10 calendar days prior to the date for receipt of responses. If the agency head or his or her designee determines that an unusual problem exists and the 10 day~~

~~period would be detrimental to the interest of the agency, the agency head or the designee shall document the contract file with the conditions and circumstances requiring waiver of advertising for less than 10 calendar days.~~

Specific Authority 287.042(12) FS. Law Implemented 287.042(3)(b)(2) FS. History--Formerly 60A-1.002(4), Amended _____.

60A-1.042 Request for Information.

(1) An agency may request information by issuing a written ~~electronically posting a~~ Request for Information. Agencies may use Requests for Information in circumstances including, but not limited to, determining whether or not to competitively procure a commodity or contractual services, determining what solicitation process to use for a particular need, or researching general, special, and/or technical specifications for a solicitation.

(2) A vendor's answer to a Request for Information is not an offer and the agency may not use the vendor's submission to justify a contract with that vendor without otherwise complying with Chapter 287, F.S. and Rule 60A-1, F.A.C.

(3) Vendors submitting answers to an agency's Request for Information are not prohibited from responding to any related subsequent solicitation.

Specific Authority 287.042(12) FS. Law Implemented 287.012(21), 287.042(3)(g) FS. History--New _____.

60A-1.063 Present Value Methodology.

All competitive solicitations that include provisions ~~for contracts which require payment for more than one (1) year and include~~ unequal payment streams or unequal time periods shall include a condition stating that the evaluation will use present value methodology. The solicitation shall state the present value discount rate, which will be used in the computations and evaluation.

To determine that appropriate discount rate, agencies shall use the rates identified in Release H.15, Select Interest Rates (Weekly), available online at <http://www.federalreserve.gov/releases/h15/>. Agencies shall ~~should~~ use the most recent release and the appropriate U.S. treasury rate for the last published month at the time of issuance of the competitive solicitation.

Specific Authority 287.0572(2) FS. Law Implemented 287.0572(1) FS. History--Formerly 60A-1.002(7)(d), Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard L. Brown, Division of State Purchasing, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399, (850)488-3049

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.:

60A-1.073

RULE TITLE:

Alteration of Responses Not Permitted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.074
 RULE TITLE: Request to Withdraw Solicitation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 14, April 2, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.: 60BB-2.0255
 60BB-2.037
 RULE TITLES: Annual Filing
 Public Use Forms

NOTICE OF CORRECTION

The Department of Management Services, Agency for Workforce Innovation, announces the following correction to the proposed rules as published in the Florida Administrative Weekly on February 27, 2004 (Vol. 30, No. 9, pp. 875-876).

The "NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE" should read: Tom Clendenning, Deputy Director for Unemployment Compensation, Agency for Workforce Innovation, 107 E. Madison Street, MSC 229, Tallahassee, Florida 32399-4135; and, Bruce Hoffmann, General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)488-0712.

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NOS.:	RULE TITLES:
60DD-2.001	Purpose; Definitions; Policy; Applicability; Agency Security Programs; Roles and Responsibilities; Risk Management
60DD-2.004	Logical and Data Access Controls
60DD-2.006	Network Security
60DD-2.007	Backup and Disaster Recovery
60DD-2.008	Personnel Security and Security Awareness
60DD-2.009	Systems Acquisition, Auditing, and Reporting
60DD-2.010	Standards Adopted

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 11, March 12, 2004, issue of the Florida Administrative Weekly:

60DD-2.001 Purpose; Definitions; Policy; Applicability; Agency Security Programs; Roles and Responsibilities; Risk Management.

(1) Purpose.

(a) Rules 60DD-2.001-60DD-2.010, Florida Administrative Code, shall be known as the Florida Information Resource Security Policies and Standards.

(b) The purpose of the Florida Information Resource Security Policies and Standards is to:

1. Promulgate state policies regarding the security of data and information technology resources. Policies are broad principles underlying the state's information resource security program.

2. Define minimum-security standards for the protection of state information resources. Standards are required administrative procedures or management controls, utilizing current, open, non-proprietary or non-vendor specific technologies.

(c) Nothing in this rule chapter shall be construed to impair the public's access rights under Chapter 119, Florida Statutes, and Article I, Section 24 of the Florida Constitution.

(2) Definitions.

(a) The following terms are defined:

1.(a) Access – To approach, view, instruct, communicate with, store data in, retrieve data from, or otherwise make use of computers or information resources.

2.(b) Access control – The enforcement of specified authorization rules based on positive identification of users and the systems or data they are permitted to access.

3.(c) Access password – A password used to authorize access to data and distributed to all those who are authorized similar access.

4.(d) Access Point – A station that transmits and receives data

5.(e) Advanced Encryption Standard or "AES" – A Federal Information Processing Standard (FIPS 197) developed by NIST to succeed DES. Intended to specify an unclassified, publicly disclosed, symmetric encryption algorithm, available royalty-free worldwide, to protect electronic data.

6.(f) Agency – Those entities described in Section 216.011(1)(qq), Florida Statutes.

7.(g) Asymmetric encryption – A modern branch of cryptography (sometimes called "public-key cryptography") in which the algorithms employ a pair of keys (a public key and a private key) and use a different component of the pair for different steps of the algorithm.

8.(h) Attack – An assault on system security that derives from an intelligent threat, i.e., an intelligent act that is a deliberate attempt (especially in the sense of a method or technique) to violate the security of a system.

9.(i) Audit – See: Security Audit.

10.(j) Authentication – The process that verifies the claimed identity or access eligibility of a station, originator, or individual as established by an identification process.

11.(k) Authorization – A positive determination by the information resource/data owner or delegated custodian that a specific individual may access that information resource, or validation that a positively identified user has the need and the resource/data owner’s permission to access the resource.

12.(l) Availability – The security goal that generates the requirement for protection against intentional or accidental attempts to (1) perform unauthorized deletion of data or (2) otherwise causes a denial of service of system resources.

13.(m) Back door – A hardware or software mechanism that (a) provides access to a system and its resources by other than the usual procedure, (b) was deliberately left in place by the system’s designers or maintainers, and (c) usually is not publicly known.

14.(n) Business continuity plan – See: Disaster-Preparedness Plan.

15.(o) Best Practice – a technique or methodology that, through experience and research, has proven to reliably lead to a desired result. A commitment to using the best practices in any field is a commitment to using all the knowledge and technology at one’s disposal to ensure success.

16.(p) Block cipher – An encryption algorithm that breaks plaintext into fixed-size segments and uses the same key to transform each plaintext segment into a fixed-size segment of cipher-text.

17.(q) Central Computer Room – A facility dedicated to housing significant computing resources, such as mainframe computers and libraries; commonly referred to as a data center.

18.(r) Client – A system entity that requests and uses the service provided by another system entity called a “server”.

19.(s) Comprehensive Risk analysis – A process that systematically identifies valuable system resources and threats to those resources, quantifies loss exposures (i.e., loss potential) based on estimated frequencies and costs of occurrence, and recommends how to allocate resources to countermeasures so as to minimize total exposure. The analysis lists risks in order of cost and criticality, thereby determining where countermeasures should be applied first.

20.(t) Computer Security – measures that implement and assure security in a computer system, particularly those that assure access control; usually understood to include functions, features and technical characteristics of computer hardware and software, especially operating systems.

21.(u) Confidential information – Information that is excepted from disclosure requirements under the provisions of applicable state or federal law, e.g., the Florida Public Records Act.

22.(v) Confidentiality – The state that exists when confidential information is held in confidence and available only to a limited set of authorized individuals pursuant to applicable law. Confidentiality is the security goal that generates the requirement for protection from intentional or accidental attempts to perform unauthorized data reads. ~~Confidentiality covers data in storage, during processing, and in transit.~~

23.(w) Contingency Plan – A plan for emergency response, backup operations, and post-disaster recovery in a system as part of a security program to ensure availability of critical system resources and facilitate continuity of operations in a crisis. See: Disaster-Preparedness Plan.

24.(x) Continuity of Operations Plan (COOP) – See: Disaster-Preparedness Plan.

25.(y) Control – Any action, device, policy, procedure, technique, or other measure that improves security.

26.(z) Critical information resource – That resource determined by agency management to be essential to the agency’s critical mission and functions, the loss of which would have an unacceptable impact.

27.(aa) Current – Most recent; not more than one year old.

28.(bb) Custodian of an information resource – Guardian or caretaker; the holder of data; the agent charged with the resource owner’s requirements for processing, communications, protection controls, access controls, and output distribution for the resource; a person responsible for implementing owner-defined controls and access to an information source. The custodian is normally a provider of services.

29.(cc) Data – A representation of facts or concepts in an organized manner that may be stored, communicated, interpreted, or processed by people or automated means.

30.(dd) “Data Encryption Algorithm” or “DEA” – A symmetric block cipher, defined as part of the United States Government’s Data Encryption Standard. DEA uses a 64-bit key, of which 56 bits are independently chosen and 8 are parity bits, and maps a 64-bit block into another 64-bit block.

31.(ee) “Data Encryption Standard” or “DES” – A United States Government standard (Federal Information Processing Standard 46-3) that specifies the data encryption algorithm and states policy for using the algorithm to protect data.

32.(ff) Data integrity – The condition existing when the data is unchanged from its source and has not been accidentally or maliciously modified, altered or destroyed.

33.(gg) Data security – The protection of data from disclosure, alteration, destruction, or loss that either is accidental or is intentional but unauthorized;

~~34.(hh)~~ Data security administrator – The person charged with monitoring and implementing security controls and procedures for a system. Whereas each agency will have one Information Security Manager, agency management may designate a number of data security administrators.

~~35.(ii)~~ Denial of service – The prevention of authorized access to a system resource or the delaying of system operations and functions.

~~36.(jj)~~ “Disaster-Preparedness Plan” or “Continuity of Operations Plan” – An effort within individual departments and agencies pursuant to Section 252.365, Florida Statutes, to ensure the continued performance of minimum essential functions during a wide range of potential emergencies. An operational and tested information technology continuity plan should be in line with the overall agency disaster-preparedness plan and its related requirements and take into account such items as criticality classification, alternative procedures, back-up and recovery, systematic and regular testing and training, monitoring and escalation processes, internal and external organizational responsibilities, business continuity activation, fallback and resumption plans, risk management activities, assessment of single points of failure, and problem management. Provisions should be documented in the plan and reviewed to establish back-up and off-site rotation of non-critical application software and job execution language libraries, data files, and systems software to facilitate restoration following recovery of critical applications.

~~37.(kk)~~ Encryption – Cryptographic transformation of data (called “plaintext”) into a form (called “cipher-text”) that conceals the data’s original meaning to prevent it from being known or used. If the transformation is reversible, the corresponding reversal process is called “decryption”, which is a transformation that restores encrypted data to its original state. Encryption and decryption involve a mathematical algorithm for transforming data. In addition to the data to be transformed, the algorithm has one or more inputs that are control parameters: (a) a key value that varies the transformation and, in some cases, (b) an initialization value that establishes the starting state of the algorithm.

~~38.(hh)~~ End user – A system entity, usually a human individual, that makes use of system resources, primarily for application purposes as opposed to system management purposes. This includes State employees, contractors, vendors, third parties and volunteers in a part-time or full-time capacity.

~~39.(mm)~~ Environment – The aggregate of physical, organizational, and cultural circumstances, objects, or conditions surrounding an information resource.

~~40.(nn)~~ Exposure – Vulnerability to loss resulting from accidental or intentional unauthorized acquisition, use, disclosure, modification, or destruction of information resources.

~~41.(oo)~~ FIPS PUB (NR.) – Federal Information Processing Standard Publication (Nr.), a federal standard issued by the National Institute of Science and Technology (formerly the National Bureau of Standards).

~~42.(pp)~~ Information Custodians – agency employees responsible for assisting Information Owners in classifying data and specifying and implementing the technical mechanisms required to enforce policy to a degree of certainty required, based on a comprehensive risk analysis that considers the probability of compromise and its potential operational impact.

~~43.(qq)~~ Information Owners or “owner of an information resource” – agency managers who are responsible for specifying the security properties associated with the information their organization possesses and are responsible for the integrity and accuracy of that information. This includes what categories of users are allowed to read and write various items and what the operational impact of violations of policy would be.

~~44.(rr)~~ Information resources – Data, automated applications, and information technology resources as defined in subparagraph 60DD-2.001(2)(a)~~47.(vv)~~, Florida Administrative Code and Sections 282.0041(7) & 282.101, Florida Statutes.

~~45.(ss)~~ Information Security Alert – A notice sent by state agencies pursuant to paragraph 60DD-2.006(6)(b), Florida Administrative Code, regarding potential information security abnormalities or threats.

~~46.(tt)~~ Information Security Manager (ISM) – The person designated to administer the agency’s information resource security program and plans in accordance with Section 282.318(2)(a)1., Florida Statutes, and the agency’s internal and external point of contact for all information security matters.

~~47.(uu)~~ “Information technology,” “information technology resources” “information resources” or “information technology system” include any transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by all agencies and political subdivisions of state government, and a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

~~48.(vv)~~ Information Technology Security Plan or Information Resource Security Plan – A written plan periodically reviewed that provides an overview of the security requirements of the information systems and describes the controls in place or planned for meeting those requirements. It covers critical data policies, backup, disaster recovery, and user policies. Its purpose is to protect the integrity, availability, and confidentiality of IT resources (i.e., data, information, applications, and systems) and to support the missions of the State of Florida. The Information Technology Security Plan

also encompasses policies, procedures and guidelines together with methodology employed for protection, e. g. firewalls, user authentication, data encryption, key management, digital certificates, intrusion detection systems (IDS), virus detection, and virtual private networks (VPN).

49. ~~(www)~~ Information Technology Security Program or Information Resource Security Program – A coherent assembly of plans, project activities, and supporting resources contained within an administrative framework, whose purpose is to support the agency’s mission and establish controls to assure adequate security for all information processed, transmitted or stored in agency automated information systems, e.g., Information Technology Security Plans, contingency plans, security awareness and training and systems acquisition, disposal and auditing.

50. ~~(www)~~ Integrity – The security goal that generates the requirement for protection against either intentional or accidental attempts to violate data integrity (the property that data has when it has not been altered in an unauthorized manner) or system integrity (the quality that a system has when it performs its intended function in an unimpaired manner, free from unauthorized manipulation).

51. ~~(xxx)~~ Networks or networking – Networks provide design, programming, development and operational support for local area networks (“LANs”), wide area networks (“WANs”) and other networks. Networks support client/server applications, telephony support, high-speed or real-time audio and video support and may develop and/or utilize bridges, routers, gateways, and transport media.

52. ~~(yy)~~ NIST – National Institute of Standards and Technology.

53. ~~(zz)~~ Password – A protected word or string of characters which serves as authentication of a person’s identity (“personal password”), or which may be used to grant or deny access to private or shared data (“access password”).

54. ~~(aaa)~~ Personal identifier or user identification code - A data item associated with a specific individual, that represents the identity of that individual and may be known by other individuals.

55. ~~(bbb)~~ Personal password – A password that is known by only one person and is used to authenticate that person’s identity.

56. ~~(eee)~~ Platform – The foundation technology of a computer system. The hardware and systems software that together provide support for an application program and the services they support.

57. ~~(ddd)~~ Provider – Third party such as contractor, vendor, or private organization providing products, services or support.

58. ~~(eee)~~ Public Records Act – Section 119.01, et seq., Florida Statutes.

59. ~~(fff)~~ Remote Access – The ability to connect to a computer from a remote location and exchange information or remotely operate the system.

60. ~~(ggg)~~ Review – a formal or official examination of system records and activities that may be a separate agency prerogative or a part of a security audit.

61. ~~(hhh)~~ Risk – The likelihood or probability that a loss of information resources or breach of security will occur.

62. ~~(iii)~~ Risk analysis – See: Comprehensive Risk Analysis.

63. ~~(jjj)~~ Risk assessment – See: Comprehensive Risk Analysis

64. ~~(kkk)~~ Risk management – Decisions and subsequent actions designed to accept exposure or to reduce vulnerabilities by either mitigating the risks or applying cost effective controls.

65. ~~(lll)~~ Router Transport Service – the State-wide multi-protocol fully routed data communications service.

66. ~~(mmm)~~ Security audit – an independent formal review and examination of system records and activities to (a) determine the adequacy of system controls, (b) ensure compliance with established security policy and operational procedures, (c) detect breaches in security, and (d) recommend any indicated changes in any of the foregoing.

67. ~~(nnn)~~ SSID – A Service Set Identifier – A sequence of characters that uniquely names a wireless local area network.

68. ~~(ooo)~~ Security controls – Hardware, software, programs, procedures, policies, and physical safeguards that are put in place to assure the availability, integrity and protection of information and the means of processing it.

69. ~~(ppp)~~ Security incident or breach – An event which results in loss, unauthorized disclosure, unauthorized acquisition, unauthorized use, unauthorized modification, or unauthorized destruction of information resources whether accidental or deliberate.

70. ~~(qqq)~~ Security officer – See Data Security Administrator.

71. ~~(rrr)~~ Security Risk Analysis – The process of identifying and documenting vulnerabilities and applicable threats to information resources.

72. ~~(sss)~~ Security Risk Management – See Risk Management.

73. ~~(ttt)~~ Security Standard – A set of practices and rules that specify or regulate how a system or organization provides security services to protect critical system resources.

74. ~~(uuu)~~ Security Vulnerability Assessment – 1) An examination of the ability of a system or application, including current security procedures and controls, to withstand assault. A vulnerability assessment may be used to: a) identify weaknesses that could be exploited; and b) predict the effectiveness of additional security measures in protecting information resources from attack; 2) Systematic examination of a critical infrastructure, the interconnected systems on which it relies, its information, or product to determine the adequacy of security measures, identify security deficiencies, evaluate security alternatives, and verify the adequacy of such measures after implementation.

~~75.(vvv)~~ Sensitive Locations – Physical locations such as a data center, financial institution, network operations center or any location where critical, confidential or exempt information resources can be accessed, processed, stored, managed or maintained.

~~76.(www)~~ Sensitive software – Software exempt under Section 119.07(3)(o), Florida Statutes; those portions of data processing software, including the specifications and documentation, used to: collect, process, store and retrieve information which is exempt from the Public Records Act under Section 119.07, Florida Statutes; collect, process, store and retrieve financial management information of the agency, such as payroll and accounting records; or control and direct access authorizations and security measures for automated systems.

~~77.(xxx)~~ Server – A system entity that provides a service in response to requests from other system entities called “clients”.

~~78.(yyy)~~ Session – The time during which two computers maintain a connection and are usually engaged in transferring data or information.

~~79.(zzz)~~ Site Survey – A report on the physical, architectural, geographical and electrical limitations of the site and their effect on a wireless solution.

~~80.(aaa)~~ Special Trust or Position of Trust – A position in which an individual can view or alter confidential information, or is depended upon for continuity of information resource imperative to the operations of the agency and its mission.

~~81.(bbb)~~ Standard – See: Security Standard.

~~82.(eee)~~ Storage or Computer Storage – The holding of data in an electromagnetic form for access by a computer processor; the process of storing information in computer memory or on a magnetic tape or disk.

~~83.(ddd)~~ Symmetric cryptography – A branch of cryptography involving algorithms that use the same key for two different steps of the algorithm (such as encryption and decryption, or signature creation and signature verification). Symmetric cryptography is sometimes called “secret-key cryptography” (versus public-key cryptography) because the entities that share the key, such as the originator and the recipient of the message, need to keep the key secret.

~~84.(eee)~~ System control data – Data files such as programs, password files, security tables, authorization tables, etc., which, if not adequately protected, could permit unauthorized access to information resources.

~~85.(fff)~~ Third Party – See Provider.

~~86.(ggg)~~ Triple Data Encryption Standard or “Triple DES” or “3DES” – A block cipher, based on DES, that transforms each 64-bit plaintext block by applying a data encryption algorithm three successive times, using either two or three different keys, for an effective key length of 112 or 168 bits.

~~87.(hhh)~~ Unauthorized disclosure – A circumstance or event whereby an entity gains access to data for which the entity is not authorized.

~~88.(iii)~~ Universal Access Service – State sanctioned secure, single point of access to enterprise applications and information.

~~89.(jjj)~~ User – See: End User.

~~90.(kkk)~~ Virtual Private Network or “VPN” – A restricted-use, logical (i.e., artificial or simulated) computer network that is constructed from the system resources of a relatively public, physical (i.e., real) network (such as the Internet), often by using encryption (located at hosts or gateways), and often by tunneling links of the virtual network across the real network.

~~91.(lll)~~ Vulnerability – A flaw or weakness in a system’s design, implementation, or operation and management that could be exploited to violate the system’s security.

~~92.(mmm)~~ Wi-Fi or Wireless Fidelity – The Wi-Fi Alliance certification standard signifying interoperability among 802.11b products.

~~93.(nnn)~~ Wireless – Wireless includes any data communication device (e.g., personal computers, cellular phones, PDAs, laptops, etc) that is connected to any network of the State of Florida. This includes any form of Wireless communications device capable of transmitting packet data.

(3) Policy. Information technology resources residing in the various agencies are

(a) Documented and distributed security policies that incorporate the following issues: strategic and vital assets held in trust and belonging to the people of Florida. It is the policy of the State of Florida that information system security ensure the confidentiality, integrity and availability of information. A loss of confidentiality is the unauthorized disclosure of information. A loss of integrity is the unauthorized modification or destruction of information. A loss of availability is the disruption of access to or use of information or an information system. Each agency shall develop, implement, and maintain an information technology security program plan to be reviewed by the State Technology Office as set forth in this rule. All documents regarding the development, implementation and maintenance of such programs shall be maintained by the agency’s Information Security Manager (ISM). Each agency shall develop, implement, and maintain an information resource security program ~~and plan(s)~~ that produces the following end products:

(a) Documented and distributed security policies that incorporate the following issues:

1. State information resources are valuable assets of the State of Florida and its citizens and must be protected from unauthorized modification, destruction, disclosure, whether accidental or intentional, or use. The acquisition and protection of such assets is a management responsibility.

2. Access requirements for state information resources must be documented and strictly enforced.

3. Responsibilities and roles of Information Security Managers and data security administrators must be clearly defined.

4. Information that, by law, is confidential or exempt must be protected from unauthorized disclosure, replication, use, destruction, acquisition, or modification.

5. Information resources that are essential to critical state functions must be protected from unauthorized disclosure, replication, use, destruction, acquisition, or modification.

6. All information resource custodians, users, providers, and his/her management must be informed of their respective responsibilities for information resource protection and recovery. These responsibilities must be clearly defined and documented.

7. All information resource custodians, users, providers, and his/her management must be informed of the consequences of non-compliance with his/her security responsibilities. These consequences must be clearly stated in writing.

8. Risks to information resources must be managed. The expense of implementing security prevention and recovery measures must be appropriate to the value and criticality of the assets being protected, considering value to both the state and potential intruders. Procedures for recording and responding to security breaches should be developed and disseminated to appropriate information resource custodians, users, providers, and their management, pursuant to each agency's internal security procedures.

9. The integrity of data, its source, its destination, and processes applied to it must be assured. Data must change only in authorized, predictable, auditable, and acceptable ways.

10. Information resource custodians, users, providers and their management must be made aware of their responsibilities in disaster-preparedness plans required to continue critical governmental services, to insure that information resources are available.

11. Security needs must be considered and addressed in all phases of development or acquisition of new information processing systems.

12. The ~~state and agency~~ Information Resource Security Programs or Information Technology Security Program and ~~plans~~ must be responsive and adaptable to changing environments, vulnerabilities and technologies affecting state information resources.

13. The state should support and uphold the legitimate proprietary interests of intellectual property owners in accordance with applicable federal and state law.

14. Providers shall comply with the Florida Information Resource Security Policies and Standards.

(b) Implementation and maintenance of a documented on-going training program for information resource security awareness. The training program will include initial security

awareness training for all new information resource users, custodians, providers, and their management and on-going reinforcement covering agency security program components and applicable security related job responsibilities. Each individual must be held accountable for his or her actions relating to information resources.

(c) A set of defined roles and responsibilities of Information Security Managers and data security administrators.

(d) Documentation of employees and providers acknowledgment and acceptance of agency's security policies, procedures, and responsibilities. An individual acknowledgement of accountability shall be included in such documentation.

(e) Clearly defined and current security responsibilities for each information resource user, custodian, provider, and his/her management.

(f) Documentation for managing access criteria ~~and privileges~~ for information resources.

(g) Current lists of information resource owners approved and maintained by the agency or secretary of the agency.

(h) Current lists of information resource users approved and maintained by the agency or secretary of the agency. Except as permitted under paragraph 60DD-2.004(1)(a), Florida Administrative Code, information resource users shall be individually identified.

(i) Current lists of information resource custodians approved and maintained by the agency or secretary of the agency.

(j) Current documented procedures for conducting background checks for positions of special trust and responsibility or positions in sensitive locations approved and maintained by the agency or secretary of the agency.

(k) An on going documented program of risk management, including risk analysis for all critical information resources, and periodic comprehensive risk analyses of all information resources. Comprehensive risk analyses shall be conducted after major changes in the software, procedures, environment, organization, or hardware.

(l) Current identification of all agency critical information resources approved and maintained by the agency's Information Security Manager (ISM). Agencies shall categorize all information and information systems in accordance with Federal Information Processing Standard 199, incorporated by reference at subsection 60DD-2.010(6), Florida Administrative Code, and Sections 119.07(3)(o) & 282.318, Florida Statutes.

(m) For all critical information resources, current documentation for implementing and maintaining auditable disaster-preparedness plans including: procedures for cross training of critical or unique skills; responsibilities and procedures for information resource custodians, owners, and users; procedures for maintaining current data on critical

information resources (including hardware, software, data, communications, configurations, staff, special forms, and supplies); and interdependencies between and among resources (both internal and external).

(n) Current documentation for executing and maintaining test scenarios for disaster-preparedness plans.

(4) Applicability.

(a) The information security policies and standards of this rule chapter apply to those entities described in Section 216.011(1)(qq), Florida Statutes. They apply to state automated information systems that access, process, or have custody of data. They apply to mainframe, minicomputer, distributed processing, and networking environments of the state. They apply equally to all levels of management and to all supervised personnel.

(b) State information security policies and standards of this rule chapter apply to information resources owned by others, such as political subdivisions of the state or agencies of the federal government, in those cases where the state has a contractual or fiduciary duty to protect the resources while in the custody of the state. In the event of a conflict, the more restrictive security measures apply.

(c) Exceptions.

1. Heads of executive agencies are authorized to exempt from the application of paragraph 60DD-2.004(2)(b), subsection 60DD-2.004(4), paragraphs 60DD-2.005(3)(a), 60DD-2.005(3)(b), or 60DD-2.005(4)(b), F.A.C., of this rule, information resources used for classroom or instructional purposes, provided the head of the agency has documented his or her acceptance of the risk of excluding these resources, and further provided that the information resources used for classroom or instructional purposes are not critical.

2. The head of an executive agency is authorized to exempt from the application of paragraph 60DD-2.004(2)(b), subsection 60DD-2.004(4), paragraphs 60DD-2.005(3)(a), 60DD-2.005(3)(b), or 60DD-2.005(4)(b), F.A.C., of this rule, stand-alone end user workstations, provided these workstations are not used to process, store, or transmit critical information resources.

(5)(a) Agency Security Program ~~and plans~~. The purpose of an agency security program ~~and plans~~ is to ensure that the security of the information resources of the agency is sufficient to reduce the risk of loss, modification or disclosure of those assets to an acceptable level. As identified in the agency's comprehensive risk analysis, the expense of security safeguards must be commensurate with the value of the assets being protected.

(b) Standard. Each agency shall develop an Information Resource Security Program that includes a documented and maintained current internal Information Resource Security Plan(s) approved by the agency Chief Information Office (CIO), and maintained by the agency's Information Security Manager (ISM). The agency security program and plan(s) shall

include written internal policies and procedures for the protection of information resources, be an instrument implementing the Florida Information Resource Security Policies and Standards, be applicable to all elements of the agency, and be signed by the agency head.

(6)(a) Responsibility; Security Audits. The State Technology Office, in consultation with each agency head, is responsible for the security of the each agency's information resources and for establishing information security requirements on an agency-wide basis. To assist the State Technology Office in carrying out security responsibilities, the duties and functions which management has determined to be appropriate for each agency need to be explicitly assigned. When necessary, based on the outcome of risk analysis, to ensure integrity, confidentiality and availability of state information and resources or to investigate possible security incidents to ensure conformance this rule chapter and Florida law, the State Technology Office shall conduct or contract with a third party to conduct a security audit on any system within the State of Florida networks to determine compliance with the Florida Information Resource Security Policies and Standards. Pursuant to Section 282.318(2)(a)5., the State Technology Office shall also ensure that each agency conducts periodic internal audits and evaluations of its Information Technology Security Plan.

(b) Standard. Pursuant to Section 282.318(2)(a)1., Florida Statutes, the State Technology Office shall, in consultation with each agency head, appoint in writing an Information Security Manager (ISM) to administer the agency information resource security program ~~and plans~~ and shall prescribe the duties and responsibilities of the function for each agency.

(7)(a) Owner, Custodian, and User Responsibilities. The major objective of information resource security is to provide cost-effective controls to ensure that information is not subject to unauthorized acquisition, use, modification, disclosure, or destruction. To achieve this objective, procedures that govern access to information resources must be in place. The effectiveness of access rules depends to a large extent on the correct identification of the owners, custodians, and users of information. Owners, custodians, and users of information resources shall be identified, documented, and their responsibilities defined.

(b) Standard. Owner responsibilities. All information resources shall be assigned an owner. In cases where information resources are aggregated for purposes of ownership, the aggregation shall be at a level that assures individual accountability. The owner or his or her designated representative(s) are responsible for and authorized to:

1. Approve, access and formally assign custody of an information resources asset;
2. Determine the asset's value;
3. Specify data control requirements and convey them to users and custodians;

4. Specify appropriate controls, based on risk assessment, to protect the state's information resources from unauthorized modification, deletion, or disclosure. Controls shall extend to information resources outsourced by the agency;

5. Confirm that controls are in place to ensure the accuracy, authenticity, and integrity of data;

6. Ensure compliance with applicable controls;

7. Assign custody of information resource assets and provide appropriate authority to implement security control and procedures;

8. Review access lists based on documented agency security risk management decisions.

(c) Standard. Custodian responsibilities. Custodians of information resources, including entities providing outsourced information resources services to state agencies or other providers, must:

1. Implement the controls specified by the owner(s);

2. Provide physical and procedural safeguards for the information resources;

3. Assist owners in evaluating the cost-effectiveness of controls and monitoring; and

4. Implement the monitoring techniques and procedures for detecting, reporting and investigating incidents.

(d) Standard. User responsibilities. Users of information resources shall comply with established controls.

(8) Risk Management. Risk analysis is a systematic process of evaluating vulnerabilities and threats to information resources. Risk analysis provides the basis for risk management; i.e., assumption of risks and potential losses, or selection of cost effective controls and safeguards to reduce risks to an acceptable level. The goal of risk analysis is to determine the probability of potential risks, in order to integrate financial objectives with security objectives.

(a) Standard. Agencies shall perform or update a comprehensive risk analysis of all critical information processing systems when major changes occur and as specified in subsection 60DD-2.001(3), Florida Administrative Code. Comprehensive risk analysis results shall be presented to the State Technology Office and to the owner of the information resource for subsequent risk management.

(b) Standard. Agencies shall implement appropriate security controls determined through comprehensive risk analysis to be cost effective in the reduction or elimination of identified risks to information resources. Any delegation by the agency head of authority for risk management decisions shall be documented.

(c) Standard. The State Technology Office shall evaluate potentially useful risk analysis programs and methodologies. Only those programs and methodologies approved by the State Technology Office shall be accepted as meeting the requirements for comprehensive risk analysis as specified in paragraph 60DD-2.001(8)(a), Florida Administrative Code.

(d) Standard. ~~Agencies shall perform a risk analysis consistent with NIST Risk Management Guide for Information Technology Systems, Special Publication 800-30, is hereby incorporated by reference at subsection 60DD-2.010(7), Florida Administrative Code. Agencies shall perform a risk analysis consistent with Special Publication 800-30.~~

Specific Authority 282.102(2),(6),(16) FS. Laws Implemented 282.0041, 282.101, 282.318 FS. History--New _____.

60DD-2.004 Logical and Data Access Controls.

(1) Personal Identification, Authentication, and Access.

(a) Standard. Except for public web page information resources, each user of a multiple-user information resource shall be assigned a unique personal identifier or user identification. User identification shall be authenticated before access is granted.

(b) Standard. When a unique personal identifier or user identification has been assigned that user's access authorization shall be removed when the user's employment is terminated or the user transfers to a position where access to the information resource is no longer required.

(2)(a) Password Controls. Personal passwords are used to authenticate a user's identity and to establish accountability. Access passwords are used to grant access to data and may be used where individual accountability is not required. Federal Information Processing Standards Publication 112 (FIPS PUB 112) (~~incorporated by reference at subsection Section~~ 60DD-2.010(2), Florida Administrative Code) specifies basic security criteria in the use of passwords to authenticate personal identity and data access authorization.

(b) Standard. Systems that use passwords shall conform to the federal standard contained in FIPS PUB 112. A current Password Standard Compliance Document that specifies the criteria to be met for the ten factors contained in the standard shall be maintained for all systems which use passwords.

(c) Standard: Agency Heads and Agency Chief Information Officers shall ensure that all personnel (including providers and end users who utilize State of Florida information technology resources) that have a user account on the State of Florida internal network have read and acknowledged a written password policy (or other authentication policy, if applicable) by signing through a physical or electronic process a Statement of Understanding. ~~The form shall be stored either electronically or physically in some permanent location.~~ The Statement of Understanding shall indicate that the employee has read the policy and agrees to abide by it as consideration for continued employment with the State of Florida and that violation of password or other authentication policies may result in dismissal. Agency Heads and Chief Information Officers shall also ensure that information technology professionals enforce the parts of the policy within the scope of their capability, and that periodic compliance audits are performed.

(3) Standard. Authentication Controls. All agency authentication controls shall ensure that information is not accessed by unauthorized persons and that information is not altered by unauthorized persons in a way that is not detectable by authorized users.

(4) Standard. Access to Software and Data. Controls shall ensure that users of information resources cannot access stored software or system control data unless they have been authorized to do so.

(5) Encryption.

(a) Standard. Activities storing or transmitting confidential or exempt information shall require encryption processes approved by the State Technology Office if necessary to ensure that the information remains confidential. Individual users must use State Technology Office approved encryption products and processes for sending an encrypted e-mail, encrypting a desktop work file, protecting a personal private key or digital certificate, or encrypting a saved e-mail. Key escrow and Key recovery processes must be in place, and verified prior to encryption of any confidential or exempt agency data. Federal Information Processing Standard (FIPS) Pub 140-2, May 25, 2001 (<http://csrc.nist.gov/cryptval/140-2.htm>) is hereby adopted and incorporated by reference at subsection 60DD-2.010(3), Florida Administrative Code.

(b) Standard. Encryption keys should not be stored on the same electronic storage device as the information that has been encrypted using the keys. Access to encryption keys should be restricted to authorized users and authorized processes using an access control mechanism.

(c) Standard. Remote administration of hardware, software, or applications should be performed over an encrypted communications session consistent with the Florida Information Resource Security Policies and Standards.

Specific Authority 282.102(2),(6),(16) FS. Law Implemented 282.318 FS. History—New _____.

60DD-2.006 Network Security.

Networking, including distributed processing, concerns the transfer of information among users, hosts, servers, applications, voice, video and intermediate facilities. During transfer, data is particularly vulnerable to unintended access or alternation.

(1) Network Controls, General.

(a) Standard. Network resources used in the access of confidential or exempt information shall assume the sensitivity level of that information for the duration of the session. Controls shall be implemented commensurate with the highest risk.

(b) Standard. All network components under state control must be identifiable and restricted to their intended use.

(2)(a) Security at Network Entry and Host Entry. State owned or leased network facilities and host systems are state assets. Their use must be restricted to authorized users and purposes. ~~Where public users are authorized access to networks or host systems, these public users as a class must be clearly identifiable and restricted to only services approved for public functions.~~ State employees who have not been assigned a user identification code and means of authenticating their identity to the system are not distinguishable from public users and must not be afforded broader access.

1. User identification and authentication (e.g., password) or

(b) Standard. Owners of information resources served by networks shall prescribe sufficient controls to ensure that access to network services and host services and subsystems are restricted to authorized users and uses only. These controls shall selectively limit services based upon:

2. Designation of other users, including the public where authorized, as a class (e.g., public access through dial-up or public switched networks), for the duration of a session.

(c) Third Party Connections.

1. Agency third party connection agreements shall determine the responsibilities of the third party, including approval authority levels and all terms and conditions of the agreement.

2. All agency third party network connections must meet the requirements of the Florida Information Resource Security Policies and Standards. Blanket access is prohibited. Service provided over third party network connections is limited to services, devices and equipment needed.

(d) Internet connectivity. Internet connectivity is allowable only if the applicable service agreement permits.

(e) Any external individual or entity needing access to the State's secure network inside state firewalls shall do so through Universal Access Service, Route Transport Service Extranet, Virtual Private Network or Frame Relay Network Extranet.

(f) Audits. Each agency shall audit third party network connections by conducting Security Vulnerability Assessments.

(3)(a) Application-level Security.

(b) Standard. Network access to an application containing confidential or exempt data, and data sharing between applications, shall be as authorized by the application owners and shall require authentication.

(4) Data and File Encryption.

(a) Security through encryption depends upon both of the following:

1. Proper use of an approved encryption methodology, and
2. Only the intended recipients holding the encryption key-variable (key) for that data set or transmission.

(b) Standard. While in transit, information which is confidential, exempt or information which in and of itself is sufficient to authorize disbursement of state funds shall be encrypted if sending stations, receiving stations, terminals, and relay points are not all under positive state control, or if any are operated by or accessible to personnel who have not been authorized access to the information, except under the following conditions:

1. The requirement to transfer such information has been validated and cannot be satisfied with information which has been sanitized, and

2. The agency head, or the designated official if the agency head has delegated authority for risk management decisions, has documented acceptance of the risks of not encrypting the information based on evaluation of the costs of encryption against exposures to all relevant risks.

(c) Standard. For systems employing encryption as required by paragraph 60DD-2.006(4)(b), Florida Administrative Code, procedures shall be prescribed for secure handling, distribution, storage, and construction of Data Encryption Standard (DES) key variables used for encryption and decryption. Protection of the key shall be at least as stringent as the protection required for the information encrypted with the key.

(d) Standard. Confidential or exempt data or information shall be encrypted pursuant to the Advanced Encryption Standard or "AES" defined in Federal Information Processing Standard Publication 197, ~~hereby~~ incorporated by reference at subsection 60DD-2.010(5), Florida Administrative Code, or the Triple Data Encryption Standard known as "Triple DES" or "3DES". Legacy systems not supporting the "AES" or "3DES" shall not store confidential or exempt data or information, but may use the federal Data Encryption Standard or "DES" defined in Federal Information Processing Standard Publication (FIPS PUB 46-3) (incorporated by reference at subsection 60DD-2.010(1), Florida Administrative Code) for other data or information as necessary.

(e) Standard. A minimum requirement for digital signature verification shall be in accordance with the Federal Information Processing Digital Signature Standard, (FIPS PUB 186-2), ~~which is hereby~~ incorporated by reference at subsection 60DD-2.010(4), Florida Administrative Code.

(5)(a) Remote Access.

(b) Standard. For services other than public access, users of state dial-up services shall be positively and uniquely identifiable and their identity authenticated (e.g., by password) to the network accessed and to the systems being accessed.

(6)(a) Security Alerts

(b) Standard. The State Technology Office will maintain the capability to monitor the Internet and appropriate global information security resources for any abnormalities or threats present on the Internet, including the detection of backdoors or hardware or software that is intentionally included or inserted

in a system for a harmful purpose. Such abnormalities or threats will then be translated into Information Security Alerts and provided to state agencies. In response to each Information Security Alert, agencies shall log corrective actions and to implement the recommended remediation actions contained in the Information Security Alerts within the alert's recommended time frame. Agencies shall notify the State Technology Office in writing when remediation is complete. The State Technology Office shall verify that agencies are implementing the requisite Information Security Alert remediation actions.

(c) Standard. The State Technology Office shall keep a log of all Information Security Alerts sent. The log shall contain tracking information on all formats of alerts issued, and the associated actions taken as reported by each agency. The State Technology Office shall report any non-compliance of with Information Security Alerts to applicable agency heads.

(7)(a) Virus Detection and Prevention.

(b) Standard. All State computers and systems must have anti-virus software that provides protection to computer systems and media from computer virus intrusion, provides detection of computer viruses on an infected computer system or media, and provides for recovery from computer virus infection. Anti-virus software shall be installed and scheduled to run at regular intervals. Real-time scanning shall be enabled. The anti-virus software and the virus pattern files must be kept current. Virus-infected computers or systems must be removed from the network until they are verified as virus-free. This rule applies to State of Florida computers that are personal computer ("PC")-based or utilize PC-file directory sharing, including desktop computers, laptop computers, servers (including domain controllers, proxy, ftp, file and print, etc.), and any PC-based equipment such as firewalls, intrusion detection systems (IDS), gateways, routers, and wireless devices.

(c) Standard. Each State agency is responsible for creating procedures that ensure anti-virus software is run at regular intervals and that computers and systems are verified as virus-free.

(8) Mobile Device Security.

(a) Standard. State agencies shall prepare written policies and procedures for mobile device use incorporating core security measures consistent with the Florida Information Resource Security Policies and Standards. Agencies shall, consistent with the capability of the device and its software, utilize a secure operating system offering secure logon, file level security, and data encryption. Agencies shall enable a strong password for mobile device use consistent with paragraphs 60DD-2.004(2)(a)-(c), Florida Administrative Code. Agencies mobile devices shall utilize anti-virus software in consistent with paragraph 60DD-2.0069()(b), Florida Administrative Code.

(b) Standard. Agencies shall asset tag or engrave laptops, permanently marking (or engraving) the outer case of the laptop with the agency name, address, and phone number or utilizing a metal tamper resistant commercial asset tag.

(c) Standard. Agencies shall register mobile devices with the manufacturer and retain the registration correspondence and any applicable serial numbers in the agency's records.

(9) Wireless Connectivity.

(a) Wireless security is essential to:

1. Safeguard security of the State's network systems and data.

2. Prevent interference between different agency implementations and other uses of the Wireless spectrum.

3. Ensure that a baseline level of connection service quality is provided to a diverse user community.

(b) Standard. A site survey shall be conducted prior to wireless implementation that includes identification of security risks and threats.

(c) Standard. If VPN services are used, split tunnel mode shall be disabled when connected to any wireless network.

(d) Standard. Strong mutual user authentication shall be utilized.

(e) Standard. When passing wireless traffic over public networks use of strong encryption or utilization of State of Florida sanctioned VPNs shall be used.

(f) Standard. The SSID name shall be changed from the default and administrative passwords shall be changed every 180 days.

(g) Standard. Security features of the Access Point vendors shall be enabled.

(h) Standard. Access points shall be Wi-Fi compliant pursuant to IEEE Standard 802.11, ~~which is hereby~~ incorporated by reference at subsection 60DD-2.010(17), Florida Administrative Code. Standard 802.11 specifies medium access and physical layer specifications for 1 Mbps and 2 Mbps wireless connectivity between fixed, portable, and moving stations within a local area.

(i) Standard. IP forwarding shall be disabled on all wireless clients.

(j) Standard. Master keys shall be changed annually, and key rotation schemes shall be changed at least once every 15 minutes.

(k) Standard. Theft or loss of a wireless-enabled device shall be reported to the agency Information Security Manager in order to retire the device's credentials.

(l) Standard. Wireless devices shall not be connected simultaneously to another wired or wireless network other than standard utilization of a commercial carrier signal.

(m) Standard. Wireless devices shall be password protected and must automatically time out in 15 minutes or less.

(n) Standard. Wireless devices having the features of personal firewalls and anti-virus capability shall be enabled.

(10) Web Servers and Network Servers.

(a) Security of Web Servers providing Public Internet access is essential to address:

1. Proper configuration and operation of the host servers to prevent inadvertent disclosure or alteration of confidential or exempt information.

2. Preventing compromise of the host server

3. Users unable to access the Web site due to a denial of service.

(b) Standard. Agencies shall secure network and public web servers consistent with the Carnegie Mellon Software Engineering Institute's Security Improvement Module, "Securing Network Servers" incorporated by reference at subsection 60DD-2.010(19), Florida Administrative Code, and NIST Guidelines on Securing Public Web Servers, Special Publication 800-44, ~~which are both hereby~~ incorporated by reference at subsection 60DD-2.010(10), Florida Administrative Code.

(c) Standard. Network Servers housed in the State Technology Office, Shared Resource Center shall be subject to a Security Vulnerability Assessment prior to connection to the State Technology Internal Network.

(11) Electronic Mail Security.

(a) Standard. Agencies shall utilize NIST Guidelines on Electronic Mail Security, Special Publication 800-45, ~~is hereby~~ incorporated by reference at subsection 60DD-2.006(11), Florida Administrative Code, as a standard for electronic mail security.

(12) Firewalls.

(a) Standard. Agencies shall utilize NIST Guidelines on Firewalls and Firewall Policy, Special Publication 800-41, ~~is hereby~~ incorporated by reference at subsection 60DD-2.010(9), Florida Administrative Code, as a standard for firewalls.

(13) Patching of Network Servers, Workstations and Mobile Devices.

(a) Standard. Agencies shall utilize NIST Procedures for Handling Security Patches, Special Publication 800-40, ~~is hereby~~ incorporated by reference at subsection 60DD-2.010(8), Florida Administrative Code, as a standard for patching of network servers, workstations and mobile devices.

Specific Authority 282.102(2),(6),(16) FS. Law Implemented 282.318 FS. History--New _____.

60DD-2.007 Backup and Disaster Recovery.

(1)(a) Backing up of Data. On-site backup is employed to have readily available current data in machine-readable form in the production area in the event operating data is lost, damaged, or corrupted, without having to resort to reentry from data sources, i.e., other electronic or hard copy records. Off-site backup or storage embodies the same principle but is

designed for longer term protection in a more sterile environment, requires less frequent updating, and is provided additional protection against threats potentially damaging to the primary site and data.

(b) Standard. Data and software essential to the continued operation of critical agency functions shall be backed up. The security controls over the backup resources shall be as stringent as the protection required of the primary resources.

(2) Contingency Planning. Disaster-Preparedness Plans, as described in subparagraph 60DD2.001(2)(a)36.(j), Florida Administrative Code, specify actions management has approved in advance to achieve each of three objectives. The emergency component assists management in identifying and responding to disasters so as to protect personnel and systems and limit damage. The backup and disaster recovery plan specifies how to accomplish critical portions of the mission in the absence of a critical resource such as a computer. The overall Disaster-Preparedness Plan directs recovery of full mission capability.

(a) Standard. All information resource owner, custodian, and user functions identified as critical to the continuity of governmental operations shall have written and cost effective disaster-preparedness plans to provide for the prompt and effective continuation of critical state missions in the event of a disaster.

(b) Standard. Disaster-preparedness plans as required by paragraph 60DD-2.007(2)(a), Florida Administrative Code, shall be tested at least annually.

Specific Authority 282.102(2),(6),(16) FS. Law Implemented 252.365, 282.318 FS. History--New _____.

60DD-2.008 Personnel Security and Security Awareness.

(1)(a) End User Requirements, General.

(b) Standard. Every employee shall be held responsible for information resources security to the degree that his or her job requires the use of information resources.

(2)(a) Positions of Special Trust or Responsibility or in Sensitive Locations. Individual positions must be analyzed to determine the potential vulnerabilities associated with work in those positions. Agencies shall prepare written procedures for personnel in positions of special trust or having access to sensitive locations. Agencies shall utilize ISO/EC 17799-2000(E), 8.6.3, Information Handling Procedures; ~~is hereby~~ incorporated by reference at subsection 60DD-2.010(15), Florida Administrative Code, as a guide for development of procedures.

(b) Standard. Agencies shall establish procedures for reviewing data processing positions that are designated as special trust or are in sensitive locations.

(c) Standard. Agencies shall conduct background investigations for personnel in positions of special trust or having access to sensitive locations as set forth in Sections 110.1127 and 435.04, Florida Statutes.

(3) Security Awareness and Training. An effective level of awareness and training is essential to a viable information resource security program.

(a) Standard. Agencies shall provide an ongoing awareness and training program in information security and in the protection of state information resources for all personnel whose duties bring them into contact with critical state information resources. Security training sessions for these personnel shall be on going. Agencies shall utilize NIST Building an Information Security Technology Awareness and Training Program, Special Publication 800-50, ~~is hereby~~ incorporated by reference at subsection 60DD-2.010(12), Florida Administrative Code, as a guide for development of such programs.

(b) Standard. Awareness and training in security shall not be limited to formal training sessions, but shall include on-going briefings and continual reinforcement of the value of security consciousness in all employees whose duties bring them into contact with critical state information resources.

(c) Standard. Departments shall apply appropriate sanctions against any employee who fails to comply with its security policies and procedures.

Specific Authority 282.102(2),(16) FS. Law Implemented 282.318 FS. History--New _____.

60DD-2.009 Systems Acquisition, Disposal, Auditing, and Reporting.

(1)(a) Systems Acquisition. Major system development decisions must be based on consideration of security and audit requirements during each phase of life cycle development.

(b) Standard. Appropriate information security and audit controls shall be incorporated into new systems. Each phase of systems acquisition shall incorporate corresponding development or assurances of security and auditability controls.

(2)(a) Systems Disposal. Device and media controls. Agencies shall implement policies and procedures that govern the receipt and removal of hardware and electronic media/devices that contain confidential or exempt information into and out of a facility, and the movement of these items within the facility.

(b) Implementation specifications: Agencies shall implement policies and procedures to address the final disposition of confidential or exempt information, and the hardware or electronic media on which it is stored.

(c) Media and Devices re-use or disposal. Agencies shall implement procedures for removal of confidential or exempt information from electronic media before the media are made available for re-use or disposal in accordance with ISO 17799-2000(E), 7.2.6, Secure disposal or re-use of equipment, and 8.6.2, Disposal of Media, incorporated by reference at subsection 60DD-2.010(15), Florida Administrative Code, and NIST Security Considerations in the Information System

Development Life Cycle, Special Publication 800-64, which are hereby incorporated by reference at subsection 60DD-2.010(13), Florida Administrative Code.

(3) Audits. The establishment and maintenance of a system of internal control is an important management function. Internal audits of information resource management functions, including security of data and information technology resources in accordance with paragraph 60DD-2.001(6)(a), Florida Administrative Code, are an integral part of an overall security program. The frequency, scope, and assignment of internal audits for security of data and information technology resources should be established to ensure that agency management has timely and accurate information concerning functions management is responsible to perform.

(a) Standard. An internal audit of the agency information security function shall be performed annually or when there are major system changes, or as directed by the head of the department.

(b) Standard. Automated systems which process confidential or exempt sensitive information must provide the means whereby authorized personnel have the ability to audit and establish individual accountability for any action that can potentially cause access to, generation of, or effect the release of the information.

(4) Incident Reporting.

(a) Continuous analysis of trends and types of security incidents and breaches is important to the integrity of agency and state information resource security programs. Security incident reporting provides a basis for a continuing evaluation of agency and state information security postures. The objective of such analysis is to refine security rules, policies, standards, procedures, guidelines, and training programs to assure their continued effectiveness and applicability.

(b) Standard. Security incidents and breaches shall be promptly investigated and reported to the appropriate authorities.

(c) Standard. The State Technology Office shall provide analysis and centralized reporting of trends and incidents to agencies, and shall initiate appropriate changes to state policies, rules, standards, guidelines, training programs, or statutes.

(d) Standard. Response teams. Each agency shall create an organized team to address cyber alerts and responses. Each team shall include at least one individual with expertise from the agency's legal, human resources, inspector general and information technology areas, as well as the Chief Information Officer and the Information Security Manager of the agency. The team shall report computer security incidents to the State Technology Office's Office of Information Security, convene as required upon notification of a reported computer security incident, respond to activities that may interrupt the information technology services of the area for which the team

is responsible during duty and non-duty hours, classify, document and investigate agency security incidents, and maintain an awareness of and implement procedures for effective response to computer security incidents. The team shall provide regular reports to the agency's Chief Information Officer and shall follow the direction of the Chief Information Officer during incident response activities.

Specific Authority 282.102(2),(16) FS. Law Implemented 281.301, 282.318 FS. History--New _____.

60DD-2.010 Standards Adopted.

(1) Federal Information Processing Standard Publication Number 46-3 – Data Encryption Standard, October 25, 1999, is hereby incorporated by reference.

(2) Federal Information Processing Standard Publication Number 112 – Password Usage, May 30, 1985, is hereby incorporated by reference.

(3) Federal Information Processing Standard Publication Number 140-2, Security Requirements for Cryptographic Modules, is hereby incorporated by reference.

(4) Federal Information Processing Standard Publication Number 186-2, Digital Signature Standard, is hereby incorporated by reference.

(5) Federal Information Processing Standard Publication Number 197, Advanced Encryption Standard, is hereby incorporated by reference.

(6) Federal Information Processing Standard Publication Number 199 – Standards for Security Categorization of Federal Information and Information Systems, December 5, 2003, is hereby incorporated by reference.

(7) NIST Risk Management Guide for Information Technology Systems, Special Publication 800-30, is hereby incorporated by reference.

(8) NIST Procedures for Handling Security Patches, Special Publication 800-40, is hereby incorporated by reference.

(9) NIST Guidelines on Firewalls and Firewall Policy, Special Publication 800-41, is hereby incorporated by reference.

(10) NIST Guidelines on Securing Public Web Servers, Special Publication 800-44, is hereby incorporated by reference.

(11) NIST Guidelines on Electronic Mail Security, Special Publication 800-45, is hereby incorporated, is hereby incorporated by reference.

(12) NIST Building an Information Security Technology Awareness and Training Program, Special Publication 800-50 is hereby incorporated by reference.

(13) NIST Security Considerations in Information System Development Life Cycle, Special Publication 800-64, is hereby incorporated by reference.

(14) Copies of these standards are available for downloading from the National Institute of Standards and Technology at www.nist.gov or by writing orders@ntis.gov or:

United States Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, Virginia 22161

(15) Section 7.2.6 (“Secure Disposal or Re-Use of Equipment”), Section 8.6.2 (“Disposal of Media”), and Section 8.6.3 (“Information Handling Procedures”) of International Organization for Standardization ISO/IEC Standard 17799 are hereby incorporated by reference.

(16) Copies of these sections of the this standard are available from the American National Standards Institute at www.ansi.org or at info@ansi.org or by writing:

American National Standards Institute
25 West 43rd Street, 4th Floor
New York, New York 10036

(17) Institute of Electrical and Electronics Engineers, ~~Inc.~~, Standard 802.11 is hereby incorporated by reference.

(18) Copies of this standard are available from the Institute of Electrical and Electronics Engineers, at www.ieee.org or at ieeusa@ieee.org or by writing:

Institute of Electrical and Electronic Engineers, ~~Inc.~~
1828 L. Street, N. W., Suite 1202
Washington, D. C. 20036-5104

(19) The Carnegie Mellon Software Engineering Institute’s Security Improvement Module, “Securing Network Servers,” is hereby incorporated by reference.

(20) Copies of this security improvement module are available from the Carnegie Mellon Software Engineering Institute at www.cert.org or at webmaster@cert.org or by writing:

Software Engineering Institute
Carnegie Mellon University
Pittsburgh, Pennsylvania 15213-3890

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-45.009	Computation of Time; Service by Mail
61B-45.048	Claim for Costs and Attorney’s Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 30, No. 12, March 19, 2004, issue of the Florida Administrative Weekly, in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. The changed rule provisions shall now read as follows:

61B-45.009 Computation of Time; Service by Mail.

(2) Additional Time After Service By Mail. Unless otherwise ordered by the arbitrator, during the pendency of a case, when a party is required or permitted by these rules or by order of the arbitrator to do an act within a prescribed period after the service of a document and that document is served by regular U.S. mail, five days shall be added to the prescribed period. No additional time shall be added to the prescribed period if service is made by hand, facsimile transmission, or other electronic transmission. No additional time is added for filing a motion for rehearing that must be filed (e.g., received by the agency) within 15 days of entry of a final order, or a motion for costs and attorney’s fees that must be filed within 45 days of entry of the final order as required by Rule 61B-45.048, Florida Administrative Code unless an appeal for trial de novo has been timely filed in the courts. Also, no additional time is added by operation of this rule for the filing of a complaint for trial de novo which must be filed in the courts within 30 days of the date of rendition of a final arbitration order as required by Section 718.1255(4)(k), Florida Statutes.

61B-45.048 Claim for Costs and Attorney’s Fees.

(2) A prevailing party seeking an award of costs and attorney’s fees shall file a motion seeking the award not later than 45 days after rendition of the final order, except that if an appeal by trial de novo has been timely filed in the courts, a motion seeking prevailing party costs and attorney’s fees must be filed within 45 days following the conclusion of that appeal and any subsequent appeal. The motion is considered “filed” when it is received by the division. The motion shall:

(5) A final order on the motion for attorney’s fees or costs shall be entered in the manner and within the time prescribed by Rule 61B-45.043, Florida Administrative Code. In determining a reasonable hourly fee and a reasonable total award of costs and attorney’s fees, the arbitrator is not required to conduct any hearing or proceedings or to seek or consider expert advice or testimony.

(7) The prevailing party in a proceeding brought pursuant to Section 718.1255, Florida Statutes, is entitled to an award of reasonable costs and attorney’s fees. A prevailing party is a party that obtained a benefit from the proceeding and includes a party where the opposing party has voluntarily provided the relief requested in the petition, in which case it is deemed that the relief was provided in response to the filing of the petition. Where a respondent has provided the relief sought by the petitioner prior to the filing of the petition and service on the respondent of the order requiring answer and copy of the petition, the petitioner under these circumstances is not deemed to be a prevailing party and is not entitled to an award of reasonable costs and attorney’s fees. The factors to be considered by the arbitrator in determining a reasonable attorney’s fees include the following:

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
 61G1-23.040 Responsible Supervising Control
 Over Design Practice in the
 Interior Designer’s Office

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 28, July 11, 2003, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NOS.: RULE TITLES:
 61G1-26.001 Individual Licensee
 Responsibilities
 61G1-26.002 Business Responsibilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 29, No. 35, August 29, 2003, Florida Administrative Weekly have been withdrawn.

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

Division of Workers’ Compensation

RULE NO.: RULE TITLE:
 69L-7.020 Florida Workers’ Compensation
 Health Care Provider
 Reimbursement Manual

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 16, April 16, 2004, of the Florida Administrative Weekly.

These changes are being made to address concerns expressed at the public hearing held on May 11, 2004, Page 4, subparagraph b.(1) of the incorporated document, Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition is changed to read as follows:

(1) Reimbursement shall be made to a Florida health care provider for medical services. After applying the appropriate reimbursement guidelines contained in this manual, a carrier shall reimburse a provider the agreed upon contract price (whether agreed upon prior to rendering service(s) or upon submission of the bill) or the maximum reimbursement

allowance in the appropriate schedule pursuant to Section 440.13(12)(a), Florida Statutes (F.S.). (See Section XI, General Instructions, Maximum Reimbursement Allowances.)

Page iii, of the incorporated document, Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition is amended as follows:

The five character codes included in the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition are obtained from Current Procedural Terminology (CPT®), copyright 2003 by the American Medical Association (AMA). CPT is developed by the AMA as a listing of descriptive terms and five character identifying codes and modifiers for reporting medical services and procedures performed by physicians.

The responsibility for the content of the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition is with the State of Florida Division of Workers’ Compensation and no endorsement by the AMA is intended or should be implied. The AMA disclaims responsibility for any consequences or liability attributable or related to any use, nonuse or interpretation of information contained in The Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition. No fee schedules, basic unit values, relative value guides, conversion factors or scales are included in any part of CPT. Any use of CPT outside of the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition should refer to the most current Current Procedural Terminology which contains the complete and most current listing of CPT codes and descriptive terms. Applicable FARS/DFARS apply.

~~CPT codes, descriptions and material only are copyright 2003 American Medical Association. All Rights Reserved. No fee schedules, basic units, relative values or related listings are included in CPT. The American Medical Association assumes no liability for the data contained or not contained herein.~~

This product includes CPT, which is commercial technical data and/or computer databases and/or commercial computer software and/or commercial software documentation, as applicable which were developed exclusively at private expense by the American Medical Association, 515 North State Street, Chicago, Illinois 60610. U.S. Government rights to use, modify, reproduce, release, perform, display, or disclose these technical data and/or computer data bases and/or computer software and/or computer software documentation are subject to the limited rights restrictions of DFARS 252.227-7015(b)(2) (June 1995) and/or subject to the restrictions of DFARS 227.7202-1(a) (June 1995) and DFARS 227.7202-3(a) (June 1995), as applicable for U.S. Department of Defense procurements and the limited rights restrictions of FAR 52.227-14 (June 1987) and/or subject to the restricted rights provisions of FAR 52.227-14 (June 1987) and FAR

52.227-19 (June 1987), as applicable, and any applicable agency FAR Supplements, for non-Department of Defense Federal procurements.

The column labels on pages 114-117 of the incorporated document, Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition are amended as follows:

D-CPF Code

The column labels on pages 118-120 of the incorporated document, Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition are amended as follows:

J-CPF Code

The remainder of the rule reads as previously published.

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."

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19ER04-1 (19-8.010)
Insurer Reporting Requirements	19ER04-2 (19-8.029)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2004 Legislature passed CS/CS/CS/CS for SB 2488 on Friday, April 30, 2004. This legislation affects the Reimbursement Contract as a whole and specifically impacts options available in the Contract. The Contract (and selected options) must be signed and returned to the Florida Hurricane Catastrophe Fund (FHCF) prior to the June 1, 2004, commencement of the hurricane season. The legislation also affects the participating insurer's exposure reporting requirements and a proof of loss form. Given the short time frame in which these documents must be reviewed, options chosen and returned to the FHCF and the imminent onset of the 2004 hurricane season, emergency rulemaking is necessary.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Prior to the passage of the law, the FHCF placed a notice on its website that the Advisory Council was holding an emergency meeting, by conference call, to discuss the need for emergency rules should the pending legislation become law. The meeting, which was open to the public, was noticed on the FHCF

website, and a notice was mailed to every person or entity on the FHCF's mailing list. In addition, the proposed emergency rules and the incorporated forms were placed on the website.

SUMMARY OF THE RULE: Rule 19ER04-1, F.A.C., is titled "Reimbursement Contract". Paragraph (10) of this rule incorporates the reimbursement contract for the 2004-2005 contract year that participating insurers must sign and return to the FHCF by June 1, 2004. Since the reimbursement contract must be amended to reflect those legislative changes, paragraph (10) of this rule refers to the "amended" reimbursement contract and states that this amended contract is incorporated by reference into this "emergency" rule. The changes made to the contract are summarized as follows: deductible buy-back and excess policies that require individual ratemaking have been excluded, additional living expense (ALE) provisions have been re-defined, the definition of "losses" has been amended, the word "audit" has been replaced with examination, the retention multiple has been reset, the prohibition against an insurer receiving reimbursements in excess of 100% has been stricken, information regarding the transitional option provided in the legislation has been provided and a new schedule has been added to allow for the selection of the option.

Rule 19ER04-2, F.A.C., is titled "Insurer Reporting Requirements". Paragraphs (4)(f) and (5)(c) and (d) have been amended to include the words "amended", the new revision dates for forms referenced and incorporated therein, and the prohibition against an insurer receiving reimbursements in excess of 100% has been stricken. The incorporated forms that require amendment to reflect the changes made by CS/CS/CS/CS for SB 2488 are Form FHCF-D1A (2004 Data Call) and the FHCF-L1B (Proof of Loss Report). The changes made in these forms can be summarized as follows: deductible buy-back and excess policies have been excluded, additional living expense (ALE) provisions have been re-defined, the definition of "losses" has been amended, the word "audit" has been replaced with examination, and the prohibition against an insurer receiving reimbursements in excess of 100% has been stricken.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration, Tallahassee, Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER04-1 Reimbursement Contract.

(1) through (9) No changes.

(10) The amended reimbursement contract for the 2004-2005 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-2004K – "Reimbursement Contract" or "Contract" between (name of insurer) (the "Company")/NAIC #() and The State Board of Administration of the State of Florida ("SBA") which

Administers the Florida Hurricane Catastrophe Fund ("FHCF"), is hereby adopted and incorporated by reference into this emergency rule. This contract is effective from June 1, 2004 through May 31, 2005.

(11) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History--New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-18-04, _____.

19ER04-02 Insurer Reporting Requirements.

(1) No change.

(2) through (4)(e) No change.

(f) For the 2004/2005 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Amended Florida Hurricane Catastrophe Fund 2004 Data Call," rev. 5/11/04 ~~5/04~~ and UNICEDE® /PX Data Exchange Format, Version 4.0.0." The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. A new participant shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

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

(c) Insurers shall report their ultimate net losses for each occurrence on or before December 31 of the Contract Year during which the covered event occurs and quarterly thereafter on the date the quarter ends on Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," rev. 5/11/04 ~~5/04~~, which is hereby adopted and incorporated by reference. In reporting losses, deductibles or attachment points shall be applied first to the coverages provided by the FHCF. For the quarterly report due on 3/31, any insurer whose losses reach or exceed 50% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly report due on 6/30, any insurer whose losses reach or exceed 75% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly reports due on 9/30 and thereafter, any insurer which anticipates that its losses will reach 100% or more of its FHCF retention shall report its losses on Form FHCF-L1B until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. For purposes of this rule, quarterly Loss Reports shall be those reports submitted at each quarter end date after December 31 of the Contract Year in which the covered event occurs and continuing until all claims and losses resulting from loss occurrences commencing during the Contract Year are fully discharged in accordance with the reporting requirements in this paragraph. "Fully Discharged" means the earlier of the date on which the insurer has paid its policyholders in full or the commutation clause, in Article X of the Reimbursement Contract, adopted in Rule 19ER04-1 (19-8.010), F.A.C., takes effect.

(d) As a result of reports submitted on Form FHCF-L1B, reimbursements to insurers shall be adjusted ~~in accordance with Section 215.555(4)(b)3., Florida Statutes, which prohibits~~

~~an insurer's recovery from all sources to exceed 100% of its losses from a covered event, and~~ in accordance with Section 215.555(4)(d)1., Florida Statutes, which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

(6) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5), (6),(7),(15) FS. History--New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-18-04, 5-11-04.

THESE EMERGENCY RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 11, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Replacement of Obsolete Emergency Rules

RULE NO.: 53ER04-26

SUMMARY OF THE RULE: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-26 Replacement of Obsolete Emergency Rules.

The following Department of the Lottery emergency rules relating to Lottery games or promotions, retailer programs, or personnel rules are being replaced because the games, promotions or programs have concluded, the emergency rule provisions have been adopted by permanent rule, or the provisions of the rule are obsolete. This rule shall replace the following rules: 53ER01-70, 53ER02-3, 53ER02-19, 53ER02-22, 53ER02-30, 53ER02-39, 53ER02-44, 53ER02-47, 53ER02-48, 53ER02-49, 53ER02-50, 53ER02-52, 53ER02-53, 53ER02-54, 53ER02-55, 53ER02-56, 53ER02-57, 53ER02-59, 53ER02-66, 53ER02-67, 53ER02-66, 53ER02-67, 53ER03-2, 53ER03-4, 53ER03-5, 53ER03-6, 53ER03-8, 53ER03-9, 53ER03-10, 53ER03-12, 53ER03-13, 53ER03-14, 53ER03-16, 53ER03-20, 53ER03-21, 53ER03-45, F.A.C.

Specific Authority 24.105(2), 24.109 (1) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History--New 5-5-04, Replaces 53ER01-70, 53ER02-3, 53ER02-19, 53ER02-22, 53ER02-30, 53ER02-39, 53ER02-44, 53ER02-47, 53ER02-48, 53ER02-49, 53ER02-50, 53ER02-52, 53ER02-53, 53ER02-54, 53ER02-55, 53ER02-56, 53ER02-57, 53ER02-59, 53ER02-66, 53ER02-67, 53ER03-2, 53ER03-4, 53ER03-5, 53ER03-6, 53ER03-8, 53ER03-9, 53ER03-10, 53ER03-12, 53ER03-13, 53ER03-14, 53ER03-16, 53ER03-20, 53ER03-21, 53ER03-45, F.A.C.

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

EFFECTIVE DATE: May 5, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V**Petitions and Dispositions Regarding Rule Variance or Waiver****BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 5, 2004, South Florida Water Management District (District) received a petition for waiver from Manuel Santos, Application Number 04-0318-1 for issuance of a Right of Way Occupancy Permit, for utilization of Works or Lands of the District known as the C-24 Canal, St. Lucie County, for the proposed installation of a proposed pile-supported dock with rip-rap within the north right of way of C-24, adjacent to a drainage easement owned by the City of Port St. Lucie which lies adjacent to the applicant's property at 2399 S. W. Frisco Terrace, Port St. Lucie, FL, and to the District's northerly C-24 Canal right of way line in St. Lucie County, Section 12, Township 37 South, Range 39 East.

The petition seeks relief from subsection 40E-6.121(4), Fla. Admin. Code, which governs that except for utilities, both essential and non-essential, an applicant must own or lease the land adjacent to or served by the portion of the Works or Lands of the District involved.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on May 5, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a(2), 101.1a(3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, which requires a machine room, steel ropes and non welded terminations, from Ken Wezniak of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: 20 W. Adams Street Renovation in Jacksonville (Petition VW 2004-040).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on April 26, 2004 the Division of Hotels and Restaurants received a Petition for Variance for paragraph 61C-4.0161(2)(a), Florida Administrative Code from Deli on the Spot. They are requesting a Routine Variance (Petition VW 2004-038).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Board of Architecture and Interior Design hereby gives notice that it has issued an Order on the Petition for Partial, Permanent Variance filed by Octavio J. Venegas. The Notice of Petition for Variance was published in Volume 29, No. 52, of the December 26, 2003, Florida Administrative Weekly. The Board of Architecture and Interior Design considered the Petition at its meeting held on February 5, 2004. The Board's Order, filed on April 21, 2004, denies the petition for waiver finding that the Petitioner has not demonstrated his inability to complete continuing education through structured study and failed to establish that the Board's application of Rule 61G1-24.002, F.A.C., would violate principles of fairness and would impose a hardship on him.

A copy of the Board's Order may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750, within 14 days of publication of this notice.

The Electrical Contractors' Licensing Board hereby gives notice that it has issued an Order on the Petition for Variance or Waiver and filed on behalf of Aerway Integration Services, Inc. The Petitioner was seeking a waiver or variance from subsection 61G6-5.006(1), F.A.C. The Notice of Petition for Waiver and Variance was published in Vol. 29, No. 39, of the September 16, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on November 21, 2003.

The Board's Order, filed on January 21, 2004, denied the Petition for Variance or Waiver as moot finding that the Petitioner has already achieved what was sought through waiver of the rule.

A copy of the Board's Order may be obtained by contacting: Electrical Contractors' Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

The Electrical Contractors' Licensing Board hereby gives notice that it has issued an Order on the Petition for Variance or Waiver and filed by Robert E. Marshall. The Petitioner was seeking a waiver or variance from Rule 61G6-9.001, F.A.C. The Notice of Petition for Waiver and Variance was published in Vol. 29, No. 37, of the September 12, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on November 21, 2003. The Board's Order, filed on January 21, 2004, denied the Petition for Variance or Waiver finding that the Petitioner has failed to demonstrate that application of the rule to his circumstances would violate principles of fairness or impose a substantial hardship on him.

A copy of the Board's Order may be obtained by contacting: Electrical Contractors' Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Lee St. John, Ph.D. The Petitioner was seeking a waiver or variance from paragraphs 64B19-11.001(4)(b),(c), F.A.C. The Notice of Petition for Waiver or Variance was published in Vol. 30, No. 2, of the January 9, 2004, Florida Administrative Weekly. The Board considered the Petition at its meeting held on January 30, 2004, in Tallahassee, Florida. The Board's Order, filed on February 16, 2004, granted the petition with regard to paragraph 64B19-11.001(4)(c), F.A.C., finding Petitioner had demonstrated that application of the rule to her circumstances

would violate the principles of fairness and would impose a substantial hardship on her; however, the Board denied the petition for waiver or variance with regard to paragraph 64B19-11.001(4)(b), F.A.C., finding that the underlying purpose of the statute had not been met.

A copy of the Board's Order may be obtained by contacting the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Cathy Guyer, Ph.D. The Petitioner was seeking a waiver or variance from paragraph 64B19-11.001(4)(c), F.A.C. The Notice of Petition for Waiver or Variance was published in Volume 29, No. 44, of the October 31, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on November 14, 2003, in Ft. Lauderdale, Florida. The Board's Order, filed on December 15, 2003, granted the petition for waiver or variance finding that the underlying purpose of the statute has been met, and that the Petitioner has demonstrated that application of the rule would violate the principles of fairness.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Theodore Masino, Psy.D. The Petitioner was seeking a waiver or variance from paragraph 64B19-11.005(1)(c), F.A.C. The Notice of Petition for Waiver or Variance was published in Vol. 29, No. 41, of the October 10, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on November 14, 2003, in Ft. Lauderdale, Florida. The Board's Order, filed on December 15, 2003, granted the petition for waiver or variance finding that the underlying purpose of the statute has been met, and that the Petitioner has demonstrated that application of the rule would violate the principles of fairness.

A copy of the Board's order may be obtained by contacting the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

NOTICE IS HEREBY GIVEN that on April 12, 2004, the Department of Health received a petition from Sebring Septic Tank & Precast Co., Inc., requesting a variance pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from paragraph 64E-6.013(1)(e), Florida Administrative Code, which requires structural design of receptacles to be verified by actual vacuum load or hydrostatic test in accordance with department policy.

Comments on this petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of the Museum of Florida History, Inc., Friends of the Mission San Luis, Inc., Friends of the Old Florida Capitol, Inc., Friends of Historic Properties and Museums, Inc., and Friends of the Knott House, Inc.** announce a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 27, 2004, 2:00 p.m.

PLACE: R. A. Gray Building, 500 South Bronough Street, 3rd Floor, Conference Room (307), Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will be a proposed merger of Department Citizens Support Organizations.

If you have any questions feel free to call: Stephen McLeod, (850)245-6375.

The **Department of State, Division of Elections** announces a public meeting to which all persons are invited:

DATE AND TIME: June 4, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: Ann Kolb Nature Center, 751 Sheridan Street, Hollywood, Florida 33019

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Help America Vote Act State Planning Committee created pursuant to the federal Help America Vote Act of 2002. The objective of the meeting is to help the committee members review the requirements of the federal legislation, and review and revise the state plan previously created. This is the second of two meetings.

Copies of the draft State Planning Committee Meeting agenda may be obtained by contacting: Barbara Leonard, Collins Building, Suite 100, 107 W. Gaines Street, Tallahassee, FL 32308. (850)245-6200.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Barbara Leonard, (850)245-6200, at least three days in advance of each meeting.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Alligator Marketing and Education Advisory Committee.

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

PLACE: Florida Fruit and Vegetable Association Office, Conference Room, 4401 East Colonial Drive, Orlando, Florida 32803

A copy of the FAME meeting agenda can be obtained by contacting: John Easley, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-0163.

GENERAL SUBJECT MATTER TO BE CONSIDERED: All proposals that you would like considered during this meeting should be sent two weeks prior to the FAME meeting to: Martin May or John Easley, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760 or Fax (850)922-3671.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATES AND TIMES: Thursday, June 3, 2004, 12:00 Noon; Thursday, June 10, 2004, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Sonia Pequignot, (305)401-1502.

DEPARTMENT OF EDUCATION

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, June 3, 2004, 8:30 a.m. – 5:00 p.m.; Friday, June 4, 2004, 8:30 a.m. – 12:00 p.m.

PLACE: University of Central Florida, Executive Conference Room, Academy for Teaching, Learning and Leadership, 4000 Central Florida Boulevard, Orlando, FL 32816, (407)823-5529

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call, write or email: Florida Education Standards Commission, 325 West Gaines Street, Room 323, Turlington Building, Tallahassee, Florida 32399, (850)245-0441, Suncom 205-0441, e-mail: Judy.Etemadi@fldoe.org.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Judy Etemadi at the above address or telephone numbers.

The public is invited to a meeting of the **Department of Education**, Advisory Council on Educational Facilities.

DATE AND TIME: Tuesday, May 25, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: Alachua County School District, Sivia Center, Building 1, Room 01-013, 3700 N. E. 53 Avenue, Gainesville, FL 33609-2000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the monthly convening of the Council charged with making recommendations relating to educational facilities in the K-20 education system in Florida. Sub-committees will meet to review and evaluate facilities planning and budgeting processes; needs for existing and proposed facilities; forming alliances with non-public educational institutions and/or community organizations; alternatives to minimize construction of additional facilities; available sources to meet funding requirements; methods of distribution of funds; and alternatives to minimize funding needs.

A copy of the agenda may be obtained from the Advisory Council on Educational Facilities website at <http://www.myfloridaeducation.com/council>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The State of Florida, **Department of Education, Education Practices Commission** announces an Administrator Hearing Panel to which all persons are invited.

Administrator Hearing Panel

DATE AND TIME: June 4, 2004, 9:00 a.m.

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Administrator Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

Teacher Hearing Panel

DATE AND TIME: June 4, 2004, 9:00 a.m.

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

The **Florida A & M University (FAMU)**, hereby announces to all SMALL and MINORITY BUSINESS ENTERPRISES that a meeting will be held as follows:

DATE AND TIME: June 3, 2004, 6:00 p.m. local time

PLACE: Conference Room, USDA Teleconference Center, 2010 Pinder Dr. (Corner of Osceola and Pinder Dr.), Florida A & M University, Tallahassee, FL 32307

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is: (a) to apprise Minority Business Enterprises (MBEs) of upcoming construction projects at the University; (b) to understand the barriers to MBEs' participation in University projects; (c) to discuss opportunities for providing further encouragement for MBE participation; and (d) to educate MBEs on FAMU's expectations with respect to quality.

For further information you may contact: Mr. Samuel J. Houston, Director of Facilities Planning and Construction, (850)599-3197.

The **Florida Center for Advising and Academic Support (FCAAS)** announces a public meeting to which all persons are invited.

DATE AND TIME: May 27, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: Turlington Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the FCAAS Board will be held to discuss ongoing development and administration of the FACTS.org project.

A copy of the agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Diana Chipps, FCAAS, (850)245-0518, at least seven days in advance so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a meeting and workshop of Alternative Plans Review and Inspections Workgroup to which all persons are invited. The workshop will be held at:

Workshop on Alternate Plans Review and Inspections by Private Providers

DATE AND TIME: June 3, 2004, 9:00 a.m.

PLACE: Radisson River Walk Hotel, 200 North Ashley Drive, Tampa, Florida 33602, (813)226-4427

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to continue work on issues with the system of private inspections that need to be clarified or modified.

A copy of the workshop agenda may be obtained from: Florida Building Commission website, www.floridabuilding.org.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824, at least ten days before the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, June 8, 2004, 1:00 p.m. – 5:00 p.m.; Wednesday, June 9, 2004, 8:30 a.m. – 3:00 p.m.

PLACE: Palm Beach Gardens Marriott (Salons A & B), 4000 RCA Boulevard, Palm Beach Gardens, Florida 33410, (561)622-8888

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Science Services, Office of Statewide Intelligence, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7096.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900, (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 3 announces a public hearing to which all persons are invited:

DATE AND TIME: Tuesday, June 8, 2004, 5:30 p.m. – 7:00 p.m.

PLACE: Crawfordville Elementary School Cafeteria, 69 Arran Road, Crawfordville, Florida 32327

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) in cooperation with the Federal Highway Administration (FHWA) has scheduled a Public Hearing regarding the Conceptual Design and Environmental Re-Evaluation Study being conducted for Crawfordville Highway (SR 61/SR 369) North of Lost Creek Bridge to East Ivan Road in Wakulla County, Florida Financial Project ID: 220495-3-32-01. The Hearing is being conducted to give the public an opportunity to express their views concerning the proposed access management change from Class 6 (four lanes with continuous turn lane) to a Class 5 (four lanes with a grassed median) for the roadway. Attendees will also be able to view the current design proposed for the segment of roadway and express their views concerning the location, design, and social, economic and environmental effects of the proposed improvements.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Wade Herod, P.E., Project Manager; Post Buckley, Schuh & Jernigan, Inc., 1141 Jackson Avenue, Chipley, FL 32428, (850)638-2288, Fax (850)638-3002, at least 48 hours before the meeting.

For additional project information, please contact: Tommie Speights, FDOT District 3, Public Information Director, 1(888)638-0250, Extension 208, Fax (850)638-6159, e-mail: tommie.speights@dot.state.fl.us.

The Florida **Department of Transportation**, District 2 announces a public hearing to which all persons are invited.

DATE AND TIME: June 14, 2004, 7:00 p.m.

PLACE: Hilton University of Florida Conference Center, 1714 S. W. 34th Street, Gainesville, Alachua County, 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, design (specifically the construction plans), social, economic and environmental effects of Financial Project ID Number 207790-1, otherwise known as State Road 26A from S. W. 38th Street to North/South Drive including the intersections with State Road 26 in Gainesville, Alachua County, Florida. The proposed improvements are to reconstruct State Road 26A (S. W. 2nd Ave.) between S. W. 38th Street and S. W. 34th Street to an urban roadway with raised landscaped medians, bicycle paths, sidewalks, pedestrian scale lighting, standard street conventional lighting, and replacement of the Hogtown Creek Bridge. The proposed improvements also include the reconstruction of State Road 26A (S. W. 2nd Ave.) from S. W. 34th Street to S. W. 28th Street to an urban non-divided roadway with bicycle/pedestrian paths and the milling and resurfacing of State Road 26A from S. W. 28th Street to North/South Drive. Additional modifications on State Road 26 (University Ave.) from North/South Drive to N. W. 23rd Street will also be a part of this project. Signal upgrades will occur at five locations within the project limits as required and one new signal will be constructed at N. W. 21st Terrace and State Road 26. This project is being developed in compliance with Titles VI and VIII of the Civil Rights Act.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call telephone number (386)758-3700 or 1(800)749-2967. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing. A copy of the agenda may be obtained by writing: Mr. Aage Schroder, District Secretary, Florida Department of Transportation District 2, 1109 S. Marion Avenue, Lake City, Florida 32025.

The **Florida Seaport Transportation and Economic Development Council** announces a teleconference of the Seaport Environmental Management Committee in which all interested persons are invited to participate.

DATE AND TIME: May 28, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Teleconference “Call-In” Number 1(877)322-9654, Participant Code 982189

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person 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 provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

The **Florida Ports Financing Commission** announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: June 3, 2004, 9:00 a.m. – 11:00 p.m.

PLACE: Hilton Key West Resort and Marina, 245 Front Street, Key West, Florida 33040, (305)294-4000, Fax (305)294-4086

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person 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 provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

The **Florida Seaport Transportation and Economic Development Council** announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: June 3, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: Hilton Key West Resort and Marina, 245 Front Street, Key West, Florida 33040, (305)294-4000, Fax (305)294-4086

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person 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 provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

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

The **Department of Citrus** announces a public meeting of the Advertising Agency Selection Committee to which all persons are invited.

DATE AND TIME: Friday, May 28, 2004, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss selection of the finalists in the ad agency search and to discuss any other issues that may properly 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, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 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

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a prehearing noticed in Docket No. 031057-EI – Review of Progress Energy Florida, Inc.'s benchmark for waterborne transportation transactions with Progress Fuels.

DATE AND TIME: May 26, 2004, 9:30 a.m.

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

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council** Personnel, Budget and Finance Policy Committee announces the following public/shade meeting pursuant to Sections 286.011(1) and 286.011(8) F.S., to which to which all persons are invited:

DATE AND TIME: Thursday, June 3, 2004, 8:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: During the Section 286.011(8), F.S., portion of the meeting to discuss pending litigation.

During the Section 286.011(1), F.S., portion of the meeting to discuss pending personnel, budget, and finance policy matters.

The following persons will be in attendance:

Council President, Jerry Holland;

Council Secretary/Treasurer, Hugh Fish;

Personnel, Budget and Finance Committee Chairman, William Basford;

Commissioner, Linda Myers;

Ms. Rea Fleckenstein;

Councilwoman, Mia Jones;

Mr. Brian Teeple;

Mr. Michael K. Grogan.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, June 3, 2004, 8:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Transportation and Economic Development Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, June 3, 2004, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation and economic development issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public/shade meeting pursuant to Section 286.011(1) and Section 286.011(8), F.S., to which to which all persons are invited:

DATE AND TIME: Thursday, June 3, 2004, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: During the Section 286.011(8), F.S., portion of the meeting to discuss pending litigation.

During the Section 286.011(1), F.S., portion of the meeting to discuss regular Council business.

The following persons will be in attendance:

- Council President, Jerry Holland
- 1st Vice President, Commissioner Blair Kanbar
- 2nd Vice President, Commissioner Karen Stern
- Council Secretary/Treasurer, Mr. Hugh Fish

- Mr. William Basford
- Commissioner Linda Myers
- Ms. Rea Fleckenstein
- Councilwoman Mia Jones
- Ms. Ginger Barber
- Ms. Clare Berry
- Commissioner Julie Combs
- Commissioner Bruce Maguire
- Mr. Charles Prachar
- Mr. Harry Maxwell
- Commissioner Al. Holmberg
- Ms. Deidra Franklin
- Commissioner Glenn Lassiter
- Ms. Carol Vallencourt
- Ms. Mary Louise Dungey
- Mayor Joann King
- Mr. Bob Sgroi
- Mr. Bob Spaeth
- Commissioner Ansley Acree
- Commissioner Vickie Samus
- Mr. Chip Laibl
- Commissioner Brad Purcell
- Commissioner Mary Lawson Brown
- Mr. Mario Taylor
- Ms. Linda Burnette
- Mr. Wes Larson
- Mr. Larry Parks
- Mr. Brian Teeple
- Mr. Michael K. Grogan

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have 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.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, June 3, 2004, 8:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Friday, June 4, 2004, 9:30 a.m. – completed

PLACE: Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109

GENERAL SUBJECT MATTER TO BE CONSIDERED: Land Resources Committee meeting to discuss regulation, real estate acquisition and land management issues.

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 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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: Garrett Wallace, Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, June 2, 2004, 10:00 a.m.

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue, West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call, (941)316-1776, at least two business days in advance to make appropriate arrangements.

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, June 2, 2004, 1:00 p.m.

PLACE: Holiday Inn Riverfront, 100 Riverfront Drive, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct workshop for Authority's regional expansion program.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call, (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF VETERANS' AFFAIRS

The Florida **Commission on Veterans Affairs** will hold its quarterly meeting in Tallahassee, Florida. This is a public meeting to which all persons are invited.

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

PLACE: The Knott Building, 404 south Monroe St., Room 116, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Nancy Schiellerd, Florida Department of Veterans' Affairs, 4040 Esplanade Way, Suite 180, Tallahassee, Florida.

Please telephone (850)487-1533 at least 48 hours prior to the meeting.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a teleconference meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:30 a.m.

PLACE: Anyone interested in participating may telephone (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, Agency for Workforce Innovation** announces a public hearing to which all persons are invited:

DATE AND TIME: June 24, 2004, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of new Rule 60BB-2.0255, F.A.C., and amendments to Rule 60BB-2.037, Florida Administrative Code. Notice of this proposed adoption was published in the Florida Administrative Weekly on February 27, 2004 (Vol. 30, No. 9, pp. 875-876).

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

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, June 17, 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)921-2470 or Suncom 291-2470

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 Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, June 22, 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)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: June 14, 2004, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N Monroe Street, Tallahassee, FL; Telephone number to call (850)921-6455 Suncom 291-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Architecture and Interior Design** announces the following meeting, to be held by teleconference, which all persons are invited to attend.

DATE AND TIME: June 15, 2004, 9:00 a.m. Eastern Standard Time

PLACE: Telephone – toll free 1(800)416-4254, Direct (850)922-2903, Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for

such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: May 25, 2004, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Florida Engineers Management Corporation** announces the following meeting:

MEETING: Selection Committee

DATE AND TIME: Friday, May 28, 2004, 9:00 a.m.

PLACE: Florida Board of Professional Engineers Office, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of job vacancy.

If you have any questions please contact: Carrie Flynn, FBPE Headquarters, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to which all persons are invited.

MEETING: Educational Advisory and Application Review Committees

DATE AND TIME: Tuesday, June 15, 2004, 8:30 a.m.

PLACE: Clarion Hotel Universal, 7299 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Carrie Flynn, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to which all persons are invited.

MEETING: Florida Board of Professional Engineers and the Deans of the Colleges of Engineering in Florida

DATE AND TIME: Tuesday, June 15, 2004, 1:00 p.m. – conclusion of meeting

PLACE: Clarion Hotel Universal, 7299 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting with the Deans of the Colleges of Engineering.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Carrie Flynn, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business which all persons are invited.

DATES AND TIMES: Wednesday, June 16, 2004, 8:30 a.m.; continuing Thursday, June 17, 2004, 8:30 a.m., if the business of the Boards is not concluded

PLACE: Wednesday – Clarion Hotel Universal, 7299 International Drive, Orlando, Florida 32819; Thursday – Orange County Convention Center, West Concourse, Room W 240 AB, 9800 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Carrie Flynn, (850)521-0500.

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: June 10, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application, Rules and Legislation, Examination and Continuing Education and Executive Committee Meetings and General Board and Business Meeting.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: World Golf Village Renaissance Resort, 550 South Legacy Trail, St. Augustine, FL 32092

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy**, Committee on Accounting Education, announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, June 14, 2004, 9:00 a.m.

PLACE: Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider applications for the CPA Examination and other items relating to the educational requirements to sit for the CPA Examination.

A copy of the 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.

Anyone wishing to participate in the meeting should notify Trencia Jenkins no later than May 28, 2004 at (352)333-2500, Ext 120.

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 Trencia Jenkins, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Board of Acupuncture** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, June 18, 2004, 9:00 a.m. or soon thereafter

PLACE: Miami Wyndham, 3900 N. W. 21st Street, Miami, FL 33142, (305)871-3800

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 Acupuncture, (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 Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: June 3, 2004, 3:00 p.m. – 6:00 p.m.

PLACE: Call (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Pharmacy**, Records Maintenance Committee announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 2004, 2:00 p.m.

PLACE: Teleconference Meeting – (850)921-2470, (850)291-2470 Suncom

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss 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**, 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, 6000 W. Osceola Parkway, Kissimmee, FL 34746, (407)586-0000

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, 6000 W. Osceola Parkway, Kissimmee, FL 34746, (407)586-0000

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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 12, Alcohol, Drug Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: June 16, 2004, 3:30 p.m.

PLACE: Daytona Beach Service Center, 210 North Palmetto Avenue, Room 440A, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Re-designation of Halifax Medical Center as a Baker Act Receiving Facility.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Veda Medlock, (386)254-3744, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY, 1(800)955-8771.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Public Awareness Committee

DATE AND TIME: Friday, June 4, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Via conference call, 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, hrodriguez@ounce.org, (850)488-4952, Ext. 135.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Policy Committee

DATE AND TIME: Thursday, June 17, 2004, 2:00 p.m. – 4:00 p.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, hrodriguez@ounce.org, (850)488-4952, Ext. 135.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Program Committee

DATE AND TIME: Monday, June 14, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Via conference call, 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, hrodriguez@ounce.org, (850)488-4952, Ext. 135.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

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.

DATES AND TIMES: Wednesday June 3, 2004, 10:00 a.m. – 5:00 p.m.; Thursday June 4, 2004, 9:00 a.m. – 3:00 p.m.

PLACE: Radisson Hotel-Tallahassee, 415 North Monroe Street, Tallahassee, FL 32301, (850)224-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This purpose of the meeting will be receiving testimony from the Department of Children and Family Services, the Agency on Healthcare Financing, and the Governor's Office of Drug Control. The Corporation will also review the 2004 legislative mandate to provide an analysis of the managed care contracts and their impact on access to care.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Kelly Duggar seven days prior to the meeting at Florida Department of Children and Family Services, Mental Health Program Office, Building 1, Room 206, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning Spanish mackerel, to which all interested persons are invited:

DATE AND TIME: June 2, 2004, 6:00 p.m. – 9:00 p.m.

PLACE: City Commission Chambers, City Hall, 121 S. W. Flagler Ave., Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a factfinding workshop to gather public testimony regarding the Spanish mackerel cast net fishery in the area off Pecks Lake in Martin County. The Commission has received complaints regarding this fishery and it seeks to gather information regarding the type of gear used, the amount of fishing, and perceived problems in the fishery.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: June 3, 2004, 1:30 p.m.

PLACE: Orlando/Altamonte Springs Hilton, 350 South North Lake Boulevard, Altamonte Springs, Florida 32715-9004

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Firefighters Employment, Standards and Training Council.

A copy of the agenda may be obtained by writing: Department of Financial Services, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL, 34482-1486, (352)369-2800.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the address or phone number listed above no later than 48 hours prior to the meeting or workshop.

The Florida **Board of Funeral and Cemetery Services** announces a public Rules Committee Meeting and all persons are invited to attend.

DATE AND TIME: June 2, 2004, 12:30 p.m. – 4:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Rules Committee Business.

PLACE: Department of Financial Services, Larson Building, Room 116, 200 E Gaines Street, Tallahassee, FL 32399-0316, (850)413-3039

To obtain further information contact: LaTonya Bryant, Administrative Assistant I, Division of Consumer Services, 200 East Gaines St., Tallahassee, FL 32399-0361, (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: June 24, 2004, 10:00 a.m. – 5:00 p.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

PLACE: Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, FL

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person 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.

To obtain further information contact: LaTonya Bryant, Administrative Assistant I, Division of Consumer Services, 200 East Gaines St., Tallahassee, FL 32399-0361, (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

CRIMINAL JUSTICE INSTITUTE

The Region XII, **Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited:

DATE AND TIME: Tuesday, June 1, 2004, 10:00 a.m.
PLACE: Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth, FL 33461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: FDLE/CJSTC updates; Palm Beach Community College/ Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)868-3403.

FLORIDA PORTS CONFERENCE

NOTICE IS HEREBY GIVEN by the **Florida Ports Conference** of a public meeting in which all persons are invited to participate.

DATE AND TIME: Friday, June 4, 2004, 9:30 a.m. – 11:00 a.m.

PLACE: Key West Hilton Resort and Marina, 245 Front St., Key West, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

An agenda may be obtained by writing: James C. Massie, General Counsel, P. O. Box 10371, Tallahassee, FL 32302-2371 or by e-mail: JMassie41@AOL.Com.

ABLE TRUST

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board of Directors Telephone Conference to which all interested persons are invited to participate.

DATE AND TIME: Tuesday June 15, 2004, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended grants to assist citizens with disabilities in achieving employment.

For more information, special accommodations or alternative format request, please call The Able Trust, (850)224-4493 or 1(888)838-2253, by June 12th, 2004.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on May 11, 2004, from Tamtech Services, Inc., with regards to whether an identified and described product complies with the requirements of Section 424.2.6.6.4 of the Florida Building Code, Building Volume, (2001, as amended 6/03).

It has been assigned the number DCA04-DEC-108.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF REVENUE

NOTICE IS HEREBY GIVEN THAT the Florida Department of Revenue has issued a Declaratory Statement to the Dunedin Country Club regarding the application of Section 212.04, F.S., and subsection 12A-1.005(4), F.A.C., to determine whether a

\$12 monthly payment imposed upon the club's members for making certain capital improvements such as resurfacing the cart paths, rebuilding the greens, and installing a new irrigation system qualify as "capital contributions or additional paid in capital" or "capital assessments" pursuant to subparagraph 12A-1.005(4)(b)2., F.A.C., thereby exempting the payments from the tax imposed under Section 212.04, F.S. The \$12 per month payment is not going to continue to be imposed upon the club's members indefinitely. Rather, once the particular capital improvement project in question is complete, the \$12 per month assessment will cease.

The Declaratory Statement concludes that the \$12 per month payments in question are "capital assessments" pursuant to sub-subparagraph 12A-1.005(4)(a)1.c., F.A.C., as defined in subparagraph 12A-1.005(4)(b)2., F.A.C. Therefore, when the \$12 payments are 1) separately accounted for and not recorded in an operating revenue account by the organization; 2) not paid for the right to use the organization's recreational, physical fitness, or other facilities or equipment without subsequent periodic payments; 3) not used to effect a decrease in user fees or periodic membership dues; and 4) not used to pay for the operating expenses of the organization, in accordance with subparagraph 12A-1.005(4)(a)2., F.A.C., such payments are not subject to the tax imposed under Section 212.04, F.S.

A copy of the Declaratory Statement may be obtained by contacting: Judy Langston, Agency Clerk, Office of General Counsel, Florida Department of Revenue, P. O. Box 6668, Tallahassee, FL 32314-6668.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Victoria Village H Condominium Association, Jack Mendelson, Petitioner. Docket Number 2004011033.

The Petitioner request a declaratory statement as to whether a unit owner has access to secret ballots cast by directors of condominium master association in its election of officers under Section 718.111(1)(b), Florida Statutes, in order to independently verify the vote.

A copy of the Petition for Declaratory Statement, Docket Number 2004011033, 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.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement In Re: Petition for Declaratory Statement, Charles A. Hornell, President; Heron Master Condominium Association. Case Number 2003092101

Based upon findings of fact and conclusions of law, it is declared that Heron Master Association must hold elections for its board of directors pursuant to Section 718.112(2)(d)3., Florida Statutes, and may not opt out of this statutory requirement in favor of an appointment procedure.

A copy of the Declaratory Statement, Docket Number 2003092101, 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.

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."

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Wildlife Conservation Commission received a petition for Declaratory Statement on May 10, 2004 from the Save The Manatee Club, Inc. addressing Sections 370.12(2)(t)1., 2., 3., and 4., Florida Statutes (2003) and the application of Section 120.52(2), Florida Statutes (2003) to Section 370.12(2)(t)1., Florida Statutes (2003).

A copy of the petition may be obtained by writing: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has received a petition for declaratory statement from The Money Store Of Ohio. The petition seeks the Office’s opinion as to the applicability of mortgage broker and mortgage lender licensing requirements under Chapter 494, F.S., specifically Section 494.001, F.S., as it applies to the Petitioner’s particular circumstances. Petitioner, who is not licensed under Chapter 494, F.S., asks whether he would be precluded from receiving a broker fee in a commercial broker transaction.

A copy of the Petition for Declaratory Statement may be obtained from: Annelie Nystrand Baldwin, Esquire, Office of Financial Regulation, 200 E. Gaines Street, Room 526, The Fletcher Building, Tallahassee, Florida 32399-0379.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Florida Hotel & Motel Association, Inc., A Florida Non-Profit Corporation vs. Department of Health, Division of Environmental Health; Case No.: 04-1406RP; Rule No.: 64E-9

AIU Insurance Company, American Home Assurance Company, American International South Insurance Company, et al. vs. Department of Financial Services, Office of Insurance Regulation; Case No.: 04-1540RP; Rule No.: 69O-170.013(7)

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Keith Kopp vs. South Florida Water Management District; Case No.: 03-4086RX; Rule Nos.: 40E-0.019(1)(a), 40E-1.511(1)(b), 40E-1.5095; Dismissed

C & L Dining, Inc., d/b/a The Happy Buddha Bar & Grill vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 03-4033RP; Rule No.: 61A-7; Dismissed

Richard T. Fryer, Individually and as a member of the FREC Distance Learning Task Force Committee and Institute of Florida Real Estate Careers, Inc., A Florida Corporation vs. Department of Business and Professional Regulation, Division of Real Estate, Florida Real Estate Commission; Case No.: 04-0080RP; Rule No.: 62-40; Voluntary Dismissal

Florida Education Association, Constance Higginbotham and Laverne Love vs. Department of Education and the State Board of Education; Rule No.: 03-4392RU; Dismissed

Orange County vs. St. Johnson River Water Management District and Orlando Utilities Commission; Case No.: 04-0411RU; Voluntary Dismissal

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

Sealed bids, addressed to the Florida Department of Education and marked “Sealed Bid,” will be received in the offices of the Commissioner of Education no later than 5:00 p.m. (EDT), June 3, 2004.

Bids shall include proposals for furnishing instructional materials effective April 1, 2005, for a period of six years in the areas of 6-12 Drama, 9-12 Humanities, 6-12 Journalism, 6-12 Speech and Debate, and K-12 Social Studies. A detailed list of the selection criteria may be obtained by accessing the Instructional Materials Office website at <http://www.firm.edu/doe/instrmat/home0015.htm>. The bid shall state the lowest wholesale price at which the materials will be furnished, f.o.b. to the Florida depository of the bidder.

Official minimum standards and specifications for paper, printing, binding, binderboard, and cover fabric have been adopted by the Department of Education and are available for inspection in Room 444, Turlington Building.

Each bidder shall furnish specimen copies of all materials submitted for adoption at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional materials committee and copies furnished to district superintendents as provided in Section 1006.33, Florida Statutes.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

NOTICE TO DESIGN/BUILDER:

The University of Florida Board of Trustees, announces that design/build services will be required for the project listed below:

Project No.: UF-230, Project and Location: Center of Excellence for Regenerative Health Biotechnology, Alachua, Florida. The project consists of an existing building in the City of Alachua (approximately 22,500 gross square feet) which is to be renovated and added on to provide a functional facility for biopharmaceutical manufacturing of Viral and Mammalian Cell products that will be used in Phase I clinical trials on a contract basis. Clinical testing will be outsourced. A well-planned facility that promotes logical SOP's and protocols and that is maintainable without compromising function or operation is important to the success of this project. Priority in budgeting will be given to the production (GMP) areas of the building, but ancillary aesthetics should not be ignored. The design of this facility will ultimately be a factor in attracting clientele, quality staff and a potential Contract Manufacturing Operations company to manage and operate the facility.

The estimated construction cost is \$6,100,000.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, value engineering, constructability analyses, development of a cost model, estimating at various phases, and the development of a GMP at 100% Construction Document phase for which the design/builder will be paid a fixed fee. The plans and specifications for the University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. Blanket design professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services. If the GMP is accepted, part two, the construction phase, will be implemented. Construction phase may be divided into two separate GMPs, including interior demolition/building preparation and renovation/addition. In part two of the

contract, the design/builder becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts (Portion of this project is funded through a federal grant. As part of the federal grant agreement, the design/builder is required to comply with specific requirements stated in the Program). Failure to negotiate an acceptable fixed fee for part one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design/builder's contract. Selection of finalists for interviews will be made on the basis of design/builder qualifications, including construction and design ability; past experience, bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualification of the firm's personnel, staff and consultants, understanding of project scope, etc. Finalists will be provided with a copy of the building program (to be downloaded from the website) and the latest documentation prepared by the Owner, a description of the final interview requirements and a copy of the standard University of Florida Owner-Design/Builder agreement. The Selection Committee may reject any and all proposals or stop the selection process at any time.

Applicants desiring to provide design/build services for the project shall submit a letter of application and a completed project specific "Design/Builder Qualifications Supplement" available from the website: www.facilities.ufl.edu. Proposals must not exceed 50 pages, including the Design/Builder Qualifications Supplement and letter of application (available from the website: www.facilities.ufl.edu). 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. At the time of application, all applicants must be licensed to practice as general contractors in the State of Florida; must possess current Design Professional Registration Certificate from the appropriate governing board and must be properly registered to practice its profession in the State of Florida; and if the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant 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 design/builder 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 Design/Builder Qualifications Supplement forms, the Design/Build Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning and Construction website.

Seven (7) bound copies of the required proposal must be received in the Facilities Planning & Construction office by 3:00 p.m., local time on Thursday, June 10, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

Frank Javaheri, Project Manager
 Facilities Planning and Construction
 232 Stadium/P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: (352)392-1256.
 Fax: (352)392-6378
 Internet: www.facilities.ufl.edu

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-288
 Project and Location: Administrative Services Center
 Florida State University
 Panama City, Florida

The project consists of the construction of a new 14,250 GSF multi-purpose building to house and consolidate functions and personnel for Facilities, Operations & Maintenance, Police and Safety, and Shipping/Receiving/Postal services. The project will construct new facilities and integral site work at a location selected within the Panama City Campus Service Zone. Types of space to be constructed include: offices, workshops, warehouse, locker rooms, and an exercise area. Project design is planned to be complete in February 2005. The estimated construction cost is \$2,171,025.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control

capability; and qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida State University's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm 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 construction management firm 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.

The Florida State University Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through the website at 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: Kim Strobel-Ball, Project Manager, at the address and phone listed above.

Six (6) bound copies of the required proposal data shall be submitted. Submittals must be received at the address listed above by 2:00 p.m., local time, on Friday, June 18, 2004. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

CALL FOR BIDS

made by Florida A & M University (FAMU).

PROJECT NAME: Chilled Water Line to Diamond, PROJECT NUMBER: FM-311

LOCATION: Florida A & M University, Tallahassee, FL 32307

DESCRIPTION: The chilled line will run from Perry Paige all the way to Foote-Hilyer. As an alternate to this will be a connection into Diamond. The chilled water line will come out of a vault in the green space between Diamond and Lee Hall, "Vault #10" and into Diamond. The estimated construction budget: Perry Paige to Vault #10 = \$750,000; Vault #10 to FHAC = \$350,000; and Vault #10 to Diamond = \$100,000 totaling \$1,200,000.

QUALIFICATION: 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: June 29, 2004, 2:00 p.m., local time

PLACE: Plant Operations Facilities, Building A, Room 100, 2400 Wahnish Way, Florida A & M University, Tallahassee, FL, immediately after which time and place they will be publicly opened and read aloud down the hall in Conference Room TBA (Bid Tabulation will be posted back in Suite 100).

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: Pinnacle Engineering, 3303 Thomasville Road, Suite 102, Tallahassee, FL 32308, (850)422-1763, Fax (850)422-1502.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Office of Supplier Diversity, Department of Management Services.

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 mandatory meeting has been scheduled for:

DATE AND TIME: June 15, 2004, 10:00 a.m., local time.

PLACE: Florida A & M University, Plant Operations Building, Room TBA, 2400 Wahnish Way, Tallahassee, FL.

DEPOSIT: \$150.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical 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 through the Architect/Engineer for \$150.00 per set for the printing and handling cost. Partial sets may be purchased at \$50.00 per Project Manual, \$5.00 per sheet of the drawings and \$.50 per copy per page of 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 \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Direct all project related question to Ms. Marcella Foster, Project Manager, (850)599-3197.

CALL FOR BIDS:

Made by the "University of North Florida Board of Trustees, a public body corporate"

PROJECT NAME, NUMBER AND LOCATION: Additions to Multi-Purpose Building (Storage Buildings), University of North Florida, 4567 St. Johns Bluff Road, Jacksonville, Florida 32245.

GENERAL SCOPE: One story addition and one story detached storage buildings.

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: Tuesday, June 15, 2004, 2:00 p.m.

PLACE: University of North Florida, Building 6, Room 1225, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224 at which time and place they 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: Junck & Walker Architects/Planners, Inc., 8111 Old Kings Road South, Jacksonville, Florida 32217, (904)731-4033

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Commission on Minority Economic and Business Development (formerly certification done by Department of Management Services.)

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. The meeting has been scheduled for:

DATE AND TIME: Thursday, May 27, 2004, 2:00 p.m.

PLACE: University of North Florida, Building 6, Room 1225, 4567 St. Johns Bluff Road, Jacksonville, Florida 32224

DEPOSIT: A deposit of \$50.00 per Project Manual and drawings is required with a limit of three (3) sets per General Contractor or Prime Bidder.

REFUND: The deposit shall only be refunded to those General Contractors, Prim Bidders, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning or electrical 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 through the Architect/Engineer for \$50.00 per set for the printing and handling cost.

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 \$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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** of Florida invites all qualified and interested parties wishing to provide Employee Benefits Communications Services to submit proposals for consideration.

To obtain a copy of the Invitation to Negotiate, please contact Melissa Hodges, (850)413-1491 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 28, 2004. The response filing deadline is close of business on June 11, 2004.

The selection committee will meet on Friday, June 25, 2004, 9:00 – 11:00 a.m., Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida.

Finalist interviews, if any, will be conducted between 8:00 a.m. and 4:30 p.m. from July 12 through July 16, 2004, in the Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida.

The final selection will be made by the selection committee on August 3, 2004, in a meeting held between 9:00 a.m. 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: Melissa Hodges, (850)413-1491.

DEPARTMENT OF CORRECTIONS

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

Project Name: Construction Management Services
 Project Description: Construction of Washington Correctional Institution – Annex, Chipley, Florida

The Department of Corrections, Bureau of Purchasing, requests qualifications from CONSTRUCTION MANAGEMENT firms to provide services for the construction of Washington CI – Annex, in Chipley, Florida. The construction budget for the project is estimated to be \$42,000,000. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Chapter 60D-5, Florida Administrative Code, and the Request for Qualification procedures and criteria which may be obtained from Julyn Hussey at the address and phone number below. Firms interested in being considered for these projects are encouraged to attend an information meeting at the Department of Corrections Central Office, Training Room B, 2601 Blair Stone Road, Tallahassee, Florida on June 8, 2004 at 2:00 p.m. eastern daylight savings time.

To be considered, interested firms must submit an application in accordance with the Request for Qualifications by June 24, 2004, 4:00 p.m. eastern daylight savings time, faxed submissions are not acceptable. Submit copies of your Statement of Qualification to the Department of Corrections', Attn. Julyn Hussey, Bureau of Purchasing, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049.

The State of Florida's performance and obligation to contract for these services are contingent upon annual appropriations by the Legislature.

EXPRESSWAY AUTHORITIES**NOTICE TO PROFESSIONAL
ENGINEERING CONSULTANTS**

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design for the new S.R. 414 (Maitland Boulevard Extension) limited access roadway from C.R. 435 to Hiwassee Road, identified as Project No. 414-210, in Orange County, Florida. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

MAJOR TYPES OF WORK: Group 3.2, Major Highway Design; Group 3.3, Controlled Access Highway Design; Group 4.2, Major Bridge Design.

ADDITIONAL TYPES OF WORK REQUIRED: Group 7, Traffic Operations Design; Group 8, Surveying and Mapping and Group 9, Soil Exploration, Material Testing and Foundations.

DESCRIPTION: The work to be performed under this project will include final geometric design for the new limited access roadway (S.R. 414) from west of C.R. 435 to east of Hiwassee Road and new interchanges with Keene Road and Hiwassee Road. Additional elements include: surveying, right-of-way mapping, drainage evaluation and design, permitting, lighting, signalization, signing and pavement markings, maintenance of traffic, utility design and coordination, intelligent transportation systems, geotechnical analysis, scheduling and project control, progress reporting and other tasks and associated activities.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve limited access highway reconstruction, completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
2. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway and/or bridge design projects;

3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION/NEGOTIATIONS: The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

LETTER OF RESPONSE DEADLINE:

June 11, 2004, 3:00 p.m., Orlando local time

AUTHORITY CONTACT PERSON:

Mr. Joseph A. Berenis, P.E.

Deputy Executive Director

Telephone: (407)316-3800

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority

525 S. Magnolia Avenue

Orlando, FL 32801

Re: S.R. 414 – C.R. 435 to Hiwassee Road

Project No. 414-210

For questions or additional information, please contact Robin Grantham, (850)488-4197, or robin.grantham@floridahousing.org.

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror’s responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/ViewPage.aspx?page=77&p1=1>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

DEPARTMENT OF MANAGEMENT SERVICES

**PUBLIC ANNOUNCEMENT FOR
MECHANICAL OR AIR CONDITIONING
CONTRACTORS TO PROVIDE CONSTRUCTION
MANAGEMENT SERVICES, CONTINUING AREA
CONTRACTS AREA 2**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from mechanical or air conditioning contractors to provide construction management services in Area 2, counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and other counties as may be determined necessary by the owner.

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Facilities Management and Building Construction.” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals

**2004/05 State Housing Initiatives Partnership (SHIP) Program
Compliance Monitoring Services**

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide compliance monitoring services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, June 11, 2004, to the attention of Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Request for Proposals

**2004/05 State Housing Initiatives Partnership (SHIP) Program
Compliance Monitoring Services**

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide compliance monitoring services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, June 11, 2004, to the attention of Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact Robin Grantham, (850)488-4197, or robin.grantham@floridahousing.org.

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror’s responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/ViewPage.aspx?page=77&p1=1>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

Invitation to Negotiate

2004/01 Consulting Services

The Florida Housing Finance Corporation (Florida Housing) invites all qualified and interested parties wishing to provide Consulting Services, relating to Great Plains Financial Software, to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Daylight Time, Wednesday, June 9, 2004 to the attention of Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham, (850)488-4197 or robin.grantham@floridahousing.org.

To obtain a copy of the Invitation to Negotiate, which outlines selection criteria and offeror’s responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Invitation to Negotiate from the Florida Housing

web site at <http://www.floridahousing.org/ViewPage.aspx?page=77>. Any modifications that occur to the Invitation to Negotiate will be posted at the web site and may result in an extension of the deadline.

SCHOOL BOARD OF MONROE COUNTY

LEGAL NOTICE

Pursuant to the (Florida) State Requirements for Educational Facilities (SREF), Heery International, Inc., as Total Program Manager (TPM) for the School Board of Monroe County, Florida, is requesting qualifications proposals from Design Firms who are interested in providing professional Architect-Engineer services to Heery for Remodeling, Renovations, Additions and New Construction to the following Monroe County District Schools:

- Key Largo School (PK-8)
- Plantation Key School (PK-8)
- Marathon High School (7-12)
- Stanley Switlik Elementary School
- Sugarloaf School (PK-8)
- Gerald Adams Elementary School
- Poinciana Elementary School
- Sigsbee Elementary School
- Glynn Archer Elementary School/Reynolds Annex
- Horace O'Bryant Middle School

Submittal Requirements – Applicant must be a licensed Architect in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application. Firms with whom Architect may sub-consult Engineering services must be appropriately licensed in the area of engineering contracted, in the State of Florida.

Interested firms are requested to submit an application with the following information:

1. A letter of interest detailing the Firm's Qualifications, including an indication of which types of project, remodeling/renovation or new construction, the firm is requesting consideration for, and, if the firm is interested in working on multiple projects.
2. Information outlined in the Submittal Package
 - Resumes of key individuals
 - Firm's and individuals' project experience on the project types selected
 - References
 - State of Florida corporate and professional registration certificates
 - Proof of general and professional liability insurance

3. Affidavits
 - Public Entity Crimes Statement
 - Statement confirming receipt of Heery International's Design Services Agreement, and acceptance of form and language of such Agreement

Mail or Deliver Submission as follows:

Submit one (1) original and six (6) copies containing all of the requested information by 4:00 p.m., local time, Monday, June 14, 2004 to Heery International, Inc., 4300 W. Cypress Street, Suite 820, Tampa, Florida 33607.

Mark Outside of Envelope:

PROFESSIONAL SERVICES FOR DESIGN OF REMODELING, RENOVATIONS, ADDITIONS, NEW CONSTRUCTION – MONROE COUNTY SCHOOLS/TPM PROGRAM.

Heery International will evaluate the RFQ's in the manner as described in the RFQ Information Packet.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid nor contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases or real property to a consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

Heery International, Inc., reserves the right to accept or reject any/or all proposals, to award one or more contracts to any selected firm, and to waive any/or all technicalities for award in the best interest of the program and the School Board of Monroe County.

The RFQ Information Packet, additional project information, and the weights associated with each qualification and evaluation criteria can be obtained by contacting Terry Taylor, Florida Area Manager, Heery International, Inc., 4300 W. Cypress Street, Suite 820, Tampa, Florida 33607, Telephone (813)875-9656.

The above Legal Notice shall be run in The Citizen / Key West on May 16, 2004, May 23, 2004 and May 30, 2004.

The above Legal Notice shall be run in the Florida Administrative Weekly on May 21, 2004 and May 28, 2004.

Section XII
Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-0504-007
DATE RECEIVED: May 11, 2004
DEVELOPMENT NAME: PINE RIDGE ESTATES OF CITRUS HILLS
DEVELOPER/AGENT: Pine Ridge Estates of Citrus Hills
DEVELOPMENT TYPE: 28-24.023, F.A.C.
LOCAL GOVERNMENT: Citrus County

DCA Order No. DCA04-OR-103

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 04-03

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On April 1, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-03 which was adopted by the Village Council on March 25th, 2004 ("Ord. 04-03"). The purpose of Ord. 04-02 is to repeal division 4.11, Article 4, Chapter 9.5 of the Village Code of Ordinances and to rescind Village Ordinance 03-11. The repealed section deals with a transfer of development rights (TDR) program between properties within the Village of Islamorada.
3. Ord. 04-03 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).
 5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
 6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 04-03 are land development regulations.
 7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2003). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
 8. Ord. 04-03 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (b) To protect shoreline and marine resources including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and panhandles), dune ridges and beaches, wildlife, and their habitat.
 - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
 9. Ord. 04-03 is not inconsistent with the remaining Principles. Ord. 04-03 is consistent with the Principles for Guiding Development as a whole.
- WHEREFORE, IT IS ORDERED that Ord. 04-03 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.
- This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of May, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133

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, Vento Motorcycles, Inc. intends to allow the establishment of Trance Energy, LLC as a dealership for the sale of Vento motorcycles, at 5227 E. Colonial Drive, Orlando (Orange County), Florida 32807, on or after April 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Trance Energy, LLC are dealer operator(s) and principal investor(s): Eugeni Karlov, 5227 E. Colonial Drive, Orlando, FL 32807.

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: Alan Eini, Dealer Operations, Vento Motorcycles, Inc., 5355 Mira Sorrento Pl. 100, San Diego, CA 92121.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Vengeance Performance Products, LLC intends to allow the establishment of American Legend, as a dealership for the sale of Vengeance motorcycles, at 1120 North Washington Blvd., Sarasota (Sarasota County), Florida 34236, on or after June 7, 2004.

The name and address of the dealer operator(s) and principal investor(s) of American Legend are dealer operator(s) and principal investor(s): Raymond Williams, Jr., 1120 North Washington Blvd., Sarasota, FL 34236.

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: 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.

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 General Motors Corporation, intends to allow the relocation of Sonic-Sanford Cadillac, Inc. d/b/a Massey Cadillac Oldsmobile of Sanford, as a dealership for the sale of GM motor vehicles, from its present location at 3700 S. Highway 17-92, Sanford, FL 32773-5614, to a proposed location at the Intersection of State Road 46 and North Oregon Street in Sanford, Florida 32773, on or after November 30, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Sonic-Sanford Cadillac, Inc. d/b/a Massey Cadillac Oldsmobile of Sanford are dealer operator(s): Mr. B. Scott Smith, 3700 S. Highway 17-92, Sanford, FL 32773-5614; principal investor(s): Sonic Automotive, Inc., 6415 Idlewild Rd., Suite 109, Charlotte, NC 28212.

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 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: Jody Huey, Dealer Contractual Manager, General Motors Corporation, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, MI 48265-1000.

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.

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, Titan Motorcycle Co., intends to allow the establishment of Iron Eagle Motorcycle Co., Inc. as a dealership for the sale of Titan motorcycles, at 821 N. Military Trail, West Palm Beach (Palm Beach County), Florida 33415, on or after May 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Iron Eagle Motorcycle Co., Inc. are dealer operator(s) and principal investor(s): Jeff Adler, 13923 Ishnala Circle, Wellington, FL 33414.

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: Eric Bush, Dealer Relations, Titan Motorcycle Co., 2222 West Peoria Ave., Phoenix, AZ 85029.

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 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 Mazda Motor of America, Inc. d/b/a Mazda North American Operations, intends to allow the relocation of Ferman Jeep, Inc. d/b/a Ferman Mazda of South Tampa, as a dealership for the sale of Mazda vehicles, from its present location at 3800 West Hillsborough Avenue, Tampa (Hillsborough County), FL 33606, to 1315 West Kennedy Blvd., Tampa, FL 33606 on or after June 5, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Ferman Jeep, Inc. d/b/a Ferman Mazda of South Tampa are dealer operator(s) and principal investor(s): James L. Ferman, Jr., 1306 West Kennedy Blvd., Tampa, FL 33602.

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 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: Greg Smith, Regional Operations Manager, Mazda Motor of America, Inc. d/b/a Mazda North American Operations, 8313 Baycenter Road, Jacksonville, FL 32256.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving 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

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities 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 nursing home facilities, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

FINAL RATES: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology effective July 1, 2004.

Effective July 1, 2004, the Florida nursing home cost inflation index will be modified.

METHODOLOGIES: The methodology underlying the establishment of the final rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate per diems in the Long-Term Care Reimbursement Plan with a modification to the Florida nursing home cost inflation index.

JUSTIFICATION: The justification for the final rate change is based on a recalculation of the Florida nursing home cost inflation index by the Agency.

The Agency is proposing the above changes effective July 1, 2004. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such changes.

Copies of the final reimbursement plan incorporating the above changes are available at this time. Please contact Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted a revised policy for review and comment on MyFlorida.com at: http://www.djj.state.fl.us/djj/djjservices/administration/policies_s_procedures/policyreview.shtml (note new Website location). "Conditional" Status (department-wide policy type B) – establishes that any Department of Juvenile Justice (DJJ) program, governed by quality assurance standards, that fails to meet the minimum levels of performance for any quality assurance (QA) standard, and/or fails to achieve an overall compliance rating of at least 80% shall be placed on "conditional" status. Failure to improve within six months will result in contract action or, if the program is state operated, DJJ shall take action, including but not limited to: contracting the program to the private sector; initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds; redesign the program; or realign the program.

This is the second of two 20 working day review and comment periods. The closure date for submission of comments on this policy is June 18, 2004. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF HEALTH

On May 6, 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 Lisa Lopez, R.N., license number RN 2498182. 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 May 7, 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 Thomas G. Merrill, D.O., license number OS 3716. 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 May 7, 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 Linda Hendricks, R.Ph., license number PS 15048. 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 Chapter 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., June 11, 2004):

APPLICATION TO MERGE

Constituent Institutions: St. Johns County Teachers Credit Union, St. Augustine, Florida and Educational Community Credit Union, Jacksonville, Florida
Resulting Institution: Educational Community Credit Union, Jacksonville, Florida
Received: May 6, 2004

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: First State Bank of Fort Lauderdale, Fort Lauderdale, Florida
Proposed Purchaser: River Valley Bancorp, Inc., Davenport, Iowa
Received: May 10, 2004

APPLICATION WITHDRAWN

Application for Authority to Acquire Control
Financial Institution to be Acquired: First State Bank of Fort Lauderdale, Fort Lauderdale, Florida
Proposed Purchaser: Harold L. Connell
Withdrawn: May 11, 2004

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN May 3, 2004
 and May 7, 2004

Rule No.	File Date Date	Effective	Proposed Vol./No.	Amended Vol./No.
----------	-------------------	-----------	----------------------	---------------------

DEPARTMENT OF EDUCATION
State Board of Education

6A-1.0501	5/5/04	5/25/04	30/12	
6A-1.0502	5/5/04	5/25/04	30/12	
6A-1.0503	5/5/04	5/25/04	30/12	
6A-10.060	5/5/04	5/25/04	30/8	

Commission for Independent Education

6E-2.004	5/4/04	5/24/04	30/13	
6E-2.008	5/4/04	5/24/04	30/12	

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
 VEHICLES**

Division of Florida Highway Patrol

15B-2.007	5/3/04	5/23/04	30/5	30/15
15B-2.008	5/3/04	5/23/04	30/5	
15B-2.0082	5/3/04	5/23/04	30/5	
15B-2.009	5/3/04	5/23/04	30/5	
15B-2.010	5/3/04	5/23/04	30/5	
15B-2.0101	5/3/04	5/23/04	30/5	
15B-2.0102	5/3/04	5/23/04	30/5	
15B-2.011	5/3/04	5/23/04	30/5	
15B-2.012	5/3/04	5/23/04	30/5	
15B-2.013	5/3/04	5/23/04	30/5	
15B-2.014	5/3/04	5/23/04	30/5	
15B-2.015	5/3/04	5/23/04	30/5	
15B-2.016	5/3/04	5/23/04	30/5	

Rule No.	File Date Date	Effective	Proposed Vol./No.	Amended Vol./No.
----------	-------------------	-----------	----------------------	---------------------

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Asbestos Consultants/Asbestos Consultant Examinati

61E1-1.002	5/5/04	5/25/04	29/41	30/3
------------	--------	---------	-------	------

Board of Funeral Directors and Embalmers

61G8-30.0021	5/6/04	5/26/04	30/6	
--------------	--------	---------	------	--

Florida Real Estate Appraisal Board

61J1-3.001	5/5/04	5/25/04	29/44	30/11
61J1-4.001	5/5/04	5/25/04	29/44	30/11
61J1-4.003	5/5/04	5/25/04	29/44	30/11

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.500	5/5/04	5/25/04	30/11	
------------	--------	---------	-------	--

DEPARTMENT OF HEALTH

Board of Acupuncture

64B1-2.008	5/4/04	5/24/04	30/14	
64B1-4.001	5/4/04	5/24/04	30/6	
64B1-9.001	5/4/04	5/24/04	30/14	
64B1-9.002	5/4/04	5/24/04	30/14	
64B1-9.003	5/4/04	5/24/04	30/14	

Board of Chiropractic

64B2-16.003	5/3/04	5/23/04	30/14	
-------------	--------	---------	-------	--

Board of Respiratory Care

64B32-1.010	5/3/04	5/23/04	30/14	
-------------	--------	---------	-------	--

Rule No.	File Date Date	Effective	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date Date	Effective	Proposed Vol./No.	Amended Vol./No.
Division of Environmental Health and Statewide Programs					64E-9.007	5/7/04	5/27/04	29/52	30/14
64E-6.001	5/4/04	5/24/04	30/4		64E-9.008	5/7/04	5/27/04	29/52	30/14
64E-6.003	5/4/04	5/24/04	30/4		64E-9.009	5/7/04	5/27/04	29/52	30/14
64E-6.005	5/4/04	5/24/04	30/4	30/15	64E-9.010	5/7/04	5/27/04	29/52	
64E-6.010	5/4/04	5/24/04	30/4		64E-9.011	5/7/04	5/27/04	29/52	
64E-6.0101	5/4/04	5/24/04	30/4	30/15	64E-9.013	5/7/04	5/27/04	29/52	
64E-6.012	5/4/04	5/24/04	30/4		64E-9.015	5/7/04	5/27/04	29/52	
64E-6.013	5/4/04	5/24/04	30/4		64E-9.017	5/7/04	5/27/04	29/52	
64E-6.014	5/4/04	5/24/04	30/4		64E-9.018	5/7/04	5/27/04	29/52	30/14
64E-6.015	5/4/04	5/24/04	30/4		FISH AND WILDLIFE CONSERVATION COMMISSION				
64E-6.0151	5/4/04	5/24/04	30/4	30/15	Freshwater Fish and Wildlife				
64E-6.0181	5/4/04	5/24/04	30/4		68A-15.005	5/3/04	7/2/04	30/11	
64E-6.021	5/4/04	5/24/04	30/4	30/15	68A-15.006	5/3/04	5/23/04	30/11	
64E-6.022	5/4/04	5/24/04	30/4	30/15	68A-15.063	5/3/04	7/2/04	30/11	
64E-6.023	5/4/04	5/24/04	30/4	30/15	Marine Fisheries				
64E-6.030	5/4/04	5/24/04	30/4	30/15	68B-4.002	5/3/04	7/1/04	30/11	30/18
64E-9.001	5/7/04	5/27/04	29/52		68B-4.018	5/3/04	7/1/04	30/11	30/18
64E-9.002	5/7/04	5/27/04	29/52	30/14	68B-32.005	5/3/04	7/1/04	30/11	30/18
64E-9.003	5/7/04	5/27/04	29/52						
64E-9.004	5/7/04	5/27/04	29/52	30/14					
64E-9.005	5/7/04	5/27/04	29/52	30/14					
64E-9.006	5/7/04	5/27/04	29/52	30/14					