

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

Maximum
 Disciplinary
 Actions

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE:	RULE NO.:
Rules of Prohibited Conduct and Penalties for Infractions	33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a specific disciplinary charge for inmate possession or use of a cell phone or other wireless communication device.

SUBJECT AREA TO BE ADDRESSED: Inmate disciplinary infractions.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

SECTION 1 through SECTION 2 - No change.
 SECTION 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED

3-1 through 3-12 No change.	
<u>3-13 Possession or use of a cellular telephone or any other type of wireless communication device</u>	<u>60 DC + All GT</u>

3-14 3 Introduction of any contraband	60 DC + All GT
SECTION 4 through SECTION 11 – No change.	

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04.

AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE TITLES:	RULE NOS.:
Inpatient Data Reporting and Audit Procedures	59E-7.012
Inpatient Data Format – Data Elements, Codes, and Standards	59E-7.014
Public Records	59E-7.015
General Provisions	59E-7.016

PURPOSE AND EFFECT: The rule amendments add inpatient data elements, modify inpatient data elements and codes, modify inpatient data formats, and eliminate data elements. The rule amendments require reporting by Internet transmission starting January 1, 2006. The rule amendments require the reporting of inpatient data by long-term psychiatric hospitals and eliminate the reporting of aggregate data by long-term psychiatric hospitals. The rule amendments modify public record formats consistent with the requirements of the federal Health Insurance Portability and Accountability Act.

SUBJECT AREA TO BE ADDRESSED: The Agency is proposing amendments to Rules 59E-7.012, 59E-7.014, 59E-7.015 and 59E-7.016, F.A.C., that modify inpatient data reporting requirements and require the reporting of patient level data by long-term psychiatric hospitals.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.15(11) FS.

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

TIME AND DATE: 10:00 a.m., November 16, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beth C. Dye, Bureau Chief, State Center for Health Statistics, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59E-7.012 Inpatient Data Reporting and Audit Procedures.

(1) Hospitals licensed under Chapter 395, F.S. except state-operated hospitals and comprehensive rehabilitation hospitals as defined in Rule 59A-3.201, F.A.C. All acute care hospitals and all short term psychiatric hospitals, (hereinafter referred to as "hospital/hospitals"), in operation for all or any of the reporting periods described in subsection Rule 59E-7.012(5), F.A.C., below, shall submit hospital inpatient discharge data to the Agency according to the provisions in a format consistent with requirements of Rules 59E-7.011 through 59E-7.016, F.A.C., to the Agency following the provisions of this Rule. The amendments appearing herein are effective with the report period starting January 1, 2006.

(2) For purposes of submission of hospital inpatient discharge data, hospital shall be any hospital licensed under Chapter 395, Florida Statutes except state-operated hospitals, long-term psychiatric hospitals with an average length of stay exceeding 60 days and comprehensive rehabilitation hospitals as defined in Rule 59A-3.201, F.A.C. Additionally, long-term psychiatric hospitals are required to submit aggregated data following the format and context as presented in the Psychiatric Reporting Format AHCA PSY-III dated 9/12/88 and herein incorporated by reference.

(2)(3) Each hospital shall submit a separate report for each location per paragraph 59A-3.066(2)(i) Rule 59A-3.203, F.A.C.

(3) All acute, intensive care, and psychiatric live discharges and deaths including newborn live discharges and deaths shall be reported. Submit one record per inpatient discharge, to include all newborn admissions, transfers and deaths.

(4) through (5) No change.

(6) Extensions to the initial submission due date will be granted by the Administrator, Office of Hospital Data Collection Section of the Agency staff, for a maximum of 30 days from the initial submission due date in response to a written request signed by the hospital's data contact chief executive officer or chief financial officer. The request must be received prior to the initial submission due date and the delay must be due to unforeseen and unforeseeable factors beyond the control of the reporting hospital. These factors must be

specified in the written request for the extension along with documentation of efforts undertaken to meet the filing requirements. Extensions shall not be granted verbally.

(7) No change.

(8) Beginning with the inpatient data report for the 1st Quarter of the year ~~2006~~ ~~2000~~ (January 1, ~~2006~~ ~~2000~~ through March 31, ~~2006~~ ~~2000~~), reporting facilities shall submit inpatient discharge data by Internet according to reports in one of the specifications in (a) through (c) below unless reporting by CD-ROM is approved by the Agency in a case of extraordinary or hardship circumstances. following formats except that on or after January 1, 2002, data tapes must not be used:

(a) ~~Tapes, CD-ROM or Diskettes shall be sent to the agency's mailing address: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308. Attention: State Center for Health Statistics. Refer to the Data Elements and Formatting Requirements, Rule 59E-7.014, F.A.C. Electronic media specifications are:~~

~~1. 9-Track Tape:~~

~~IBM label or nonlabel tapes~~

~~Density 1600 or 6250 BPI~~

~~Collating sequence: EBCDIC or ASCII~~

~~d. Record Format: Header Record 480 characters, Inpatient Discharge Record 480 characters, Trailer Record 480 characters.~~

~~2. Diskette and CD-ROM:~~

~~Format MS-DOS text file (ASCII)~~

~~Type 3.5" (1.44mb) diskette or CD-ROM~~

~~e. A header record must accompany each data set and must be placed as the first record on the first diskette of the data set. Each record must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A').~~

~~d. Record length: Header Record 480 characters, Inpatient Discharge Record 480 characters, Trailer Record 480 characters. Carriage return and line feeds are not included in the stated record length.~~

~~e. Only one file per diskette set or CD-ROM is allowable. Data requiring more than one diskette shall be externally labeled 1 or n, 2 or n, etc.~~

~~f. Data reported quarterly shall follow the format: ddddqyy.txt where dddd=data type; q=reporting quarter (1-4); yy=year. EXAMPLE: PDI0394.TXT.~~

~~g. Data requiring more than one diskette must have the same internal file name.~~

~~h. Compressed, backup, or PKZIP files are not acceptable.~~

~~3. Tapes or diskettes shall be submitted with the following information on an externally affixed label, or for CD-ROM, use a standard CD-ROM external label with the following information:~~

“HOSPITAL inpatient discharge data”

hospital Name: (As on file at AHCA)

e. Hospital Number: (In the AHCA format)

d. Reporting Period for Discharges

e. Number excluding the Header and Trailer records

Tape Density: 1600 or 6250 BPI

File Format: (TAPES) EBCDIC or (DISKETTES) ASCH

h. Filename: Data reported on diskettes or CD-ROM shall be reported in the following format: ddddqyy.txt where dddd=data type; q=quarter (1-4); yy=year FILENAME EXAMPLE: PD10394.TXT

i. IBM Labeled tapes require the label identifier (name)

(a)(b) Internet Transmission: The Internet address for the receipt of inpatient data is www.fdhc.state.fl.us. reports is: Internet transmission specifications are:

1. The file shall contain a complete set of inpatient discharge data for the reporting quarter.

(b)2. Data Reports submitted to the Internet address shall be electronically transmitted with the inpatient data in XML a text (ASCH) file using the Inpatient Data XML Schema available at www.fdhc.state.fl.us. The Inpatient Data XML Schema is incorporated by reference. Each record of the text file must be terminated with a carriage return (hex ‘0D’) and line feed mark (hex ‘0A’).

(c)3. The data in the XML text file shall contain the same data elements, elements and codes, the same record layout and meet the same data standards required for tapes or diskettes mailed to the agency as described in Rules 59E-7.014 and 59E-7.016, F.A.C.

(e) All acute, intensive care, and short term psychiatric live discharges and deaths including newborn live discharges and deaths shall be reported.

(d) Submit one record per inpatient discharge, to include all newborn admissions, transfers, and deaths.

(9) through (10) No change.

(11) Changes or corrections to hospital data will be accepted from hospitals to improve their data quality for a period of eighteen (18) months following the initial submission of data. The Administrator, Office of Data Collection, may grant approval for resubmitting previously certified data in response to a written request signed by the hospital’s chief executive officer or chief financial officer. The reason for the changes or corrections must be specified in the written request.

(12) No change.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), 408.08(2), 408.15(11) FS. History—New 12-15-96, Amended 1-4-00, Amended 7-11-02.

59E-7.014 Inpatient Data Format – Data Elements, Codes and Standards Elements and Formatting Requirements.

(1) Codes for Data Elements. A detailed explanation of each data element is provided in this rule, which provides specific guidance as to the formatting of each data element submitted in each record.

(1)(a) HEADER RECORD. The first record in the data file shall be a header record containing the information described below. This record must precede any/all documentation submitted for inpatient discharge data records. If the header record is not included in the data file the tape/diskette will not run.

(a)1. Transaction Code. Enter Q for a calendar quarter report or S for a report period other than a calendar quarter where the special report is requested or authorized by the Agency to receive data corrections. A required field. A required single character alpha identifier used by the hospital to establish the classification of data being submitted. The identifier must be “H”. File is rejected if missing or wrong.

(b)2. Report Reporting Year. Enter the year of the data in the format YYYY where YYYY represents the year in four (4) digits. A required field. A required four digit field to be used for Submission Type (see 5. below) is I or R. File is rejected if missing or wrong.

(c)3. Report Reporting Quarter. Enter the quarter of the data, 1, 2, 3 or 4, where 1 corresponds to the first quarter of the calendar year, 2 corresponds to the second quarter of the calendar year, 3 corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year. A required field. A required single digit field to be used if Submission Type (see 5. below) is I or R. File is rejected if missing or wrong.

(d)4. Data Type. Enter PD10 for Inpatient Data. A required field. A required four character alphanumeric code (PD10) which identifies the type of data which follows the header record. Failure to submit, or submitting with zeros present, will result in a report which fails to run or has data assigned to the wrong category of data submission.

(e)5. Submission Type. Enter I or R where I indicates an initial submission or resubmission of previously rejected data. R indicates a replacement submission of previously processed and accepted inpatient data where resubmission has been requested or authorized by the Agency. A required field. A required single character alpha field which designates the type of inpatient discharge data included on the tape/diskette. Authorized codes for inpatient discharge data are:

I (Initial). This code is used for the first submission of an inpatient data set for the specified time period. This code should also be used when replacing previously rejected files. All data set Action Codes in subparagraph 59E-7.014(1)(b)2., F.A.C., must be set to “A”.

~~R (Re-submission). This code is used to replace all accepted or partially accepted records for the specified time period. All data type Action Codes must be 'A'. All existing data for the time period will be deleted and replaced with the new data set.~~

~~M (Maintenance). All submissions which are not "I" or "R" will be considered to be maintenance type of actions. Data set Action Codes can be 'A' or 'D' or 'U'.~~

~~(f)6. Processing Date. Enter the date that the data file was created in the format YYYY-MM-DD where MM represents numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. A required field. An eight digit numeric field which specifies the date when the data on the tape was processed by the hospital. Must be in the MMDDCCYY format (e.g., 05101994). File is rejected if missing or wrong.~~

~~(g)7. AHCA Hospital Number. Enter the identification number of the hospital as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than twelve (12) digits. A required field. Valid for up to ten alphanumeric characters. Report the AHCA approved hospital identification number assigned for AHCA reporting purposes. Right justify, zero fill unused spaces. A required field; file is rejected if missing or wrong.~~

~~(h)8. Florida License Number. Enter the Florida hospital license number provided by the AHCA Division of Health Quality Assurance. A required field. Up to a ten character alphanumeric field for insertion of the hospital license number provided by the AHCA Division of Health Quality Assurance. Left justify, leave unused field spaces blank. File will be is rejected if the license number is outdated, missing or wrong.~~

~~(i)9. Provider Medicaid Number. Enter the hospital Medicaid Provider number assigned by the AHCA Medicaid Office. Up to a ten character alphanumeric hospital number assigned by the AHCA Medicaid Office. Left justify, leave unused field spaces blank. File is rejected if improperly formatted, missing or wrong.~~

~~(j)10. Provider Medicare Number (MPN). Enter the hospital Medicare Provider number assigned by the CMS Medicare Office. Up to a ten character alphanumeric hospital number assigned by the HCFA Medicare office. Left justify, leave unused field spaces blank. File is rejected if improperly formatted, missing or wrong.~~

~~(k)11. Provider Organization Name. Enter Up to a forty character alphanumeric field containing the name of the hospital that performed the inpatient service(s) represented by the inpatient data, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty-character field. Left justify, leave unused field spaces blank. A required field.~~

~~(l)12. Provider Contact Person Name. Enter Up to a twenty five character alpha field for the name of the designated hospital contact person for the hospital preparing and/or submitting inpatient discharge data. Submit name in the Last, First format. Up to a twenty-five-character field. Left justify, leave unused field spaces blank. A required field.~~

~~(m)13. Provider Contact Phone Number. The area code, business telephone number, and if applicable, extension for the contact person. Enter the contact person's telephone number in the format (AAA)XXXXXXXXXXXX where AAA is the area code, XXXXXXXX represents the seven (7) digit phone number and XXXXXXX represents the extension. Zero fill if no extension. A ten digit numeric field for entry of the business phone of the hospital contact representative (See 12. above). Include area code (3), phone number (7); e.g., 9041324675. Do not use hyphens. Right justify; fill all spaces. A required field.~~

~~14. Provider Contact Phone Extension. An optional field up to four numeric digits for including a contact's extension number if applicable. Right justify; fill unused spaces with zeros.~~

~~(n) Contact Person E-Mail Address. Enter the e-mail address of the contact person.~~

~~(o) Contact Person Street or P. O. Box Address. Enter the mailing address of the contact person. Up to a forty-character field. A required field.~~

~~(p) Mailing Address City. Enter the city of the address of the contact person. Up to a twenty-five character field. A required field.~~

~~(q) Mailing Address State. Enter the state of the address of the contact person using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida. A required field.~~

~~(r) Mailing Address Zip Code. Enter the zip code of the address of the contact person in the format XXXXX-XXXX.~~

~~15. Submitter Organization Name. Up to a forty character alphanumeric field for entry of the name of the organization which prepares the hospital's discharge data submittal. Includes outside abstracting service or corporate office data preparers. Can be the hospital. Left justify, leave unused field spaces blank. A required field.~~

~~16. Submitter Contact Person. Up to a twenty five character alphanumeric field for the designated submitting organization's contact person responsible for submitting inpatient discharge data. Submit name in the Last, First format. Left justify, leave unused field spaces blank. A required field.~~

~~17. Submitter Contact Phone. A ten digit numeric field for entry of the business phone of the hospital contact representative. Include area code (3), phone number (7); e.g., 9041235764. Do not use hyphens. Right justify; fill all spaces. A required field.~~

~~18. Submitter Contact Phone Extension. An optional field up to four numeric digits for including a contact's extension number if applicable. Right justify; fill unused spaces with zeros.~~

~~19. Filler Space. A two hundred sixty three character space filled alphanumeric field. Only one (1) Header Record per hospital submission is required/acceptable.~~

~~(2)(b) INDIVIDUAL DATA RECORDS INPATIENT DATA ELEMENTS FORMAT AND EDIT CRITERIA. All data elements and data element codes listed below shall be reported consistent with the records of the reporting entity. Data elements and codes are listed with a description of the data to be reported and data standards. This section contains the format for individual inpatient discharge data records required for each hospital discharge. All fields described are required and must be submitted unless otherwise designated as optional/discretionary fields.~~

~~1. Data Type. Four character alphanumeric field specifying the type of data submitted. Must match Field Element 4. in the Header Record. Use PD10. A required field; must be submitted for the hospital data tape/diskette to run.~~

~~2. Action Code. A single character alpha field designating the type of processing action to occur. A required field. Use one of the codes:~~

~~A — Add a new record.~~

~~D — Delete an existing record.~~

~~U — Update an existing record.~~

~~3. Reporting Quarter Code. A single digit numeric field which identifies the calendar quarter in which the discharges occurred using the following codes:~~

~~1 Represents January 1st through March 31st discharges.~~

~~2 Represents April 1st through June 30th discharges.~~

~~3 Represents July 1st through September 30th discharges.~~

~~4 Represents October 1st through December 31st discharges.~~

~~For submission types "I" and "R", the quarter must match Field Number 3 in the Header Record. A required field.~~

~~4. Reporting Year Code. A two digit numeric field which identifies the year in which the discharges occurred as noted in subparagraph 59E-7.014(1)(a)2., F.A.C., above.~~

~~For submission types "I" and "R", the year must match the Header Record Field Element 2. A required field.~~

~~(a)5. AHCA Hospital Number. Enter the identification number of the hospital as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than twelve (12) digits. A required field. Valid for up to ten alphanumeric characters. Report the AHCA approved hospital identification number assigned for AHCA reporting purposes. Right justified; zero fill unused spaces. A required field; must be submitted for the hospital submission to run.~~

~~(b)6. Record Identification Number. An alpha-numeric code containing standard letters or numbers assigned by the facility as a unique identifier for each record submitted in the reporting period to facilitate storage and retrieval of individual case records. Up to seventeen (17) characters. Duplicate record identification numbers are not permitted. A required field. A seventeen character alphanumeric code assigned by the hospital at the time of reporting as a unique identifier for each record submitted for each reporting period, to facilitate storage and retrieval of individual case records. Hospital must use standard letters and numbers; no _, #, @, \$, *, ^, etc., are authorized. Left justified; space fill unused spaces. The hospital must maintain a key list to locate actual records upon request by AHCA.~~

~~(c)7. Patient Inpatient Social Security Number. Enter the social security number (SSN) of the patient receiving treatment. The SSN is a nine (9) digit number issued by the Social Security Administration. Reporting 000000000 is acceptable for newborns and infants up to two (2) years of age who do not have a SSN. Reporting 777777777 is acceptable for those patients where efforts to obtain the SSN have been unsuccessful and the patient is two (2) years of age or older and not known to be from a country other than the United States (U.S.). Reporting 555555555 is acceptable for non-U.S. Citizens who have not been issued a SSN. The social security number (SSN) of the inpatient receiving treatment/services during this hospital stay. A nine digit numeric field to facilitate retrieval of individual case records, to be used to track inpatient readmissions, and for epidemiological or demographic research use. A SSN is required for each inpatient record if the patient is two (2) years of age or older except in cases of very old persons never issued a SSN, foreign visitors (including illegal aliens), and migrant workers (non citizens). One SSN; one inpatient. DO NOT share SSNs in this field. A required entry. (See also provisions in subparagraph 59E-7.014(3)(b)7., F.A.C.)~~

~~(d)8. Patient Race or Ethnicity Inpatient. Self-designated by the patient or patient's parent or guardian except code 8 indicating no response may be reported where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. A required entry. Must be a A one (1) digit code as follows:~~

~~A one digit code as follows:~~

~~1. 1 — American Indian or Alaska Native 1 — American Indian/Eskimo/Aleut~~

~~2. 2 — Asian or Pacific Islander~~

~~3. 3 — Black or African American~~

~~4. 4 — White~~

~~5. 5 — White Hispanic — White~~

~~6. 6 — Black Hispanic — Black~~

~~7. 7 — Other — Use (Use if the patient's self-designated race or ethnicity patient is not described by the above categories.)~~

8. 8 – No Response – Use (Use if the patient refuses or fails to disclose.)

(e)9- Patient Inpatient Birth Date. The date of birth of the patient. A ten (10)-character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Age greater than one hundred twenty (120) years is not permitted unless verified by the reporting entity. A birth date after the discharge date is not permitted. A required entry. An eight digit field in MMDDCCYY format. (e.g., May 10, 1932 = 05101932)

(f)10- Patient Gender Inpatient Sex. The gender of the patient. A required entry. Must be a one digit code as follows: A one digit code as follows:

1. 1-Male

2. 2-Female

3. 3-Unknown – Use where efforts to obtain the information have been unsuccessful or where the patient’s gender cannot be determined due to a medical condition. (Use if unknown due to medical condition.)

(g)11- Patient Inpatient Zip Code. The five (5) digit United States Postal Service ZIP Code of the patient’s permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry. A five digit U.S. Postal Service approved zip code of the inpatient’s permanent address (See also Element 11., subsection 59E-7.014(3)(b), F.A.C.

(h) Patient Country Code – Enter the country code of the patient’s country of origin if SSN code 55555555 is entered or Zip Code 00009 is entered for patient. Country codes shall be the three (3) digit country code designated by the United Nations Statistics Division – Country and Region Codes web address – <http://unstats.un.org/unsd/methods/m49/m49alpha.htm>. A country code of 000 will be accepted where efforts to obtain the country of origin have been unsuccessful.

(i)12- Type of Admission. The scheduling priority of the admission. A required entry. Must be a one digit code as follows:

1. 1 – Emergency – The patient requires immediate medical intervention as a result of severe, life threatening or potentially disabling conditions.

2. 2 – Urgent – The patient requires attention for the care and treatment of a physical or mental disorder.

3. 3 – Elective – The patient’s condition permits adequate time to schedule the availability of a suitable accommodation.

4. 4 – Newborn – Use of this code requires the use of special source of admission codes. (See also subsections 59E-7.014(2)(j),(10)-(13), F.A.C.

5. 5 – Trauma Center Other – Trauma activation at a State of Florida designated trauma center.

(j)13- Source of Admission. Must be a two (2) digit code as follows, where codes 10 through 13 are to be used for newborn admissions, codes 1 through 8 are to be used for any admission that is not a newborn, code 9 is used where the source of admission is not known, and code 14 is used where the source of admission is other than code 1 through code 13. A required field, as follows:

Codes for inpatient admissions:

1. 01 – Physician referral – The patient was admitted to this facility upon the recommendation of the patient’s personal physician.

2. 02 – Clinic referral – The patient was admitted to this facility upon recommendation of this facility’s clinic physician.

3. 03 – HMO referral – The patient was admitted to this facility upon the recommendation of a health maintenance organization physician.

4. 04 – Transfer from a hospital – The patient was admitted to this facility as a transfer from an acute care facility where the patient was an inpatient.

5. 05 – Transfer from a skilled nursing facility – The patient was admitted to this facility from a skilled nursing facility where the patient was at a skilled level of care.

6. 06 – Transfer from another health care facility – The patient was admitted to this facility as a transfer from a health care facility other than an acute care facility or a skilled nursing facility.

7. 07 – Emergency Room – The patient was admitted to this facility upon the recommendation of this facility’s emergency room physician.

8. 08 – Court/Law Enforcement – The patient was admitted upon the direction of a court of law, or upon the request of a law enforcement Agency representative.

9. 09 – Information Not Available Other – The means by which the patient was admitted to this hospital is not known. Codes required for newborn admissions (Type of Admission=4):

10. 10 – Normal delivery – A baby delivered without complications.

11. 11 – Premature delivery – A baby delivered with time or weight factors qualifying it for premature status.

12. 12 – Sick Baby – A baby delivered with medical complications, other than those relating to premature status.

13. 13 – Extramural – A newborn born in a non-sterile environment.

14. 14 – Other – The source of admission is not described by 1. through 13 above.

(k)14- Admission Date. The date the patient was admitted to the reporting facility. A ten (10)-character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the

month from 01 to 31, and YYYY represents the year in four (4) digits. Admission date must equal or precede the discharge date. A required entry. A six digit field in MMDDYY format.

(l)15- Discharge Date. The date the patient was discharged from the reporting facility. A ten (10)-character field in the format YYYY-MM-DD where MM represents the numbered months of the month from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Discharge date must equal or follow the admission date, and discharge date must occur within the reporting period as shown on the header record. A required entry. A six digit field in MMDDYY format.

(m)16- Patient Inpatient Discharge Status. Patient disposition at discharge. A required entry. Must be a two (2) digit code as follows:

1. 01 – Discharged to home or self-care (with or without planned outpatient medical care) Home
2. 02 – Discharged to a short-term general hospital
3. 03 – Discharged to a skilled nursing facility
4. 04 – Discharged to an intermediate care facility
5. 05 – Discharged to another type of institution (psychiatric, cancer or children’s hospital or distinct part unit)
6. 06 – Discharged to home under care of home health care organization
7. 07 – Left this hospital against medical advice (AMA) or discontinued care (AMA)
8. 08 – Discharged home under care of home IV provider on IV medications
9. 20 – Expired
10. 50 – Discharged to hospice – home (Required for discharges occurring on or after January 1, 2003.)
11. 51 – Discharged to hospice – medical facility (Required for discharges occurring on or after January 1, 2003.)
12. 62 – Discharged to an inpatient rehabilitation facility including distinct part units of a hospital.
13. 63 – Discharged to a Medicare certified long term care hospital.

(n)17- Principal Payer Code. Describes the primary source of expected reimbursement for services rendered. A required entry. Must be a one (1) character alpha field using upper case as follows:

1. A – Medicare
2. B – Medicare HMO
3. C – Medicaid
4. D – Medicaid HMO
5. E – Commercial Insurance
6. F – Commercial HMO
7. G – Commercial PPO
8. H – Workers’ Compensation
9. I – CHAMPUS
10. J – VA

11. K – Other State/Local Government

12. L – Self Pay/Under-insured – No (no third party coverage or less than 30% estimated insurance coverage. everage)

13. M – Other

14. N – Charity

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

(o)18- Principal Diagnosis Code. The code representing the diagnosis established, after study, to be chiefly responsible for occasioning the admission. Principal Diagnosis code must contain a valid ICD-9-CM or ICD-10-CM code for the reporting period. Inconsistency between the principal diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the principal diagnosis code and patient age must be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each hospitalization reported. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry. The ICD-9-CM code for the principal diagnosis. Up to a five character alphanumeric field. Principal diagnosis is the condition established, after study, to be chiefly responsible for occasioning the inpatient hospitalization. Use acceptable V-codes as appropriate. Left justified, no decimal.

(p)19- through 27- Co-morbidity Other Diagnosis Code (1), Co-morbidity Diagnosis Code (2), Co-morbidity Diagnosis Code (3), Co-morbidity Diagnosis Code (4), Co-morbidity Diagnosis Code (5), Co-morbidity Diagnosis Code (6), Co-morbidity Diagnosis Code (7), Co-morbidity Diagnosis Code (8), and Co-morbidity Diagnosis Code (9). Codes: A code representing a condition present at admission that is related to the services provided during the hospitalization. No more than nine (9) co-morbidity diagnosis codes may be reported. Less than nine (9) entries or no entry is permitted consistent with the records of the reporting entity. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. Inconsistency between the co-morbidity diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the co-morbidity diagnosis code and patient age must be verified by the reporting entity. A co-morbidity diagnosis code cannot be used more than once as a principal or co-morbidity or complication diagnosis for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Optional fields determined by the presence of additional diagnoses in hospital inpatient records. ICD-9-CM codes describing other factors contributing to the inpatient’s stay in the hospital. A three to five character alphanumeric field; left justified or space filled, no decimal. Cannot duplicate the Principal Diagnosis code. More than one of the

same code will not be accepted. Enter E-codes and V-codes in these spaces. E-codes permit classification of environmental events, circumstances, and conditions as the cause of injury, poisoning, and other adverse effects. Where E-code is applicable, it is intended that it shall be used in addition to a code from one of the main Chapters of ICD-9-CM, indicating the nature of the condition. Make certain that blank spaces are not interspersed between consecutive fields with codes.

(q) Complication Diagnosis Code (1), Complication Diagnosis Code (2), Complication Diagnosis Code (3), Complication Diagnosis Code (4), Complication Diagnosis Code (5), Complication Diagnosis Code (6), Complication Diagnosis Code (7), Complication Diagnosis Code (8), and Complication Diagnosis Code (9). A code representing a condition not present at admission that is related to the services provided during the hospitalization. No more than nine (9) complication diagnosis codes may be reported. Less than nine (9) entries or no entry is permitted consistent with the records of the reporting entity. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. Inconsistency between the complication diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the complication diagnosis code and patient age must be verified by the reporting entity. A complication diagnosis code cannot be used more than once as a principal or co-morbidity or complication diagnosis for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(r) 28: Principal Procedure Code. The code representing the procedure most related to the principal diagnosis. No entry is permitted consistent with the records of the reporting entity. Must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. If a principal procedure date is reported, a valid principal procedure code must be reported. Inconsistency between the principal procedure code and patient sex must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. An optional field dependent upon the presence of procedures during the episode of care. Must be a valid ICD-9-CM which describes the procedure most related to the principal diagnosis. A three or four character alphanumeric field; left justified or space filled, no decimal. Field must be coded if a date is present in element 29.

(s) 29: Principal Procedure Date. The date when the principal procedure was performed. If a principal procedure is reported, a principal procedure date must be reported. No entry is permitted if no principal procedure is reported consistent with the records of the reporting entity. A ten (10)-character field in the format YYYY-MM-DD where MM represents the

numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. The principal procedure date must be less than four (4) days prior to the admission date and not later than the discharge date. A required six digit field in MMDDYY format if a principal procedure code is present in element 28.

(t) 30 through 38: Other Procedure Code (1), Other Procedure Code (2), Other Procedure Code (3), Other Procedure Code (4), Other Procedure Code (5), Other Procedure Code (6), Other Procedure Code (7), Other Procedure Code (8), and Other Procedure Code (9) Codes. A code representing a procedure provided during the hospitalization. If no principal procedure is reported, an other procedure code must not be reported. No more than nine (9) other procedure codes may be reported. Less than nine (9) or no entry is permitted consistent with the records of the reporting entity. Must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Entry is optional dependent upon the presence of multiple operative procedures. ICD-9-CM codes describing other procedures which may have been performed on the inpatient. A Principal Procedure must be recorded, or Other Procedures will not be accepted. A three to four character alphanumeric field; left justified, no decimal. Make certain that blank spaces are not interspersed between consecutive fields with codes.

(u) Ambulatory Surgery Procedure Code (1), Ambulatory Surgery Procedure Code (2), Ambulatory Surgery Procedure Code (3), Ambulatory Surgery Procedure Code (4), Ambulatory Surgery Procedure Code (5), Ambulatory Surgery Procedure Code (6), Ambulatory Surgery Procedure Code (7), Ambulatory Surgery Procedure Code (8), and Ambulatory Surgery Procedure Code (9). A code representing a procedure performed during ambulatory surgery at this hospital no more than seventy-two (72) hours prior to admission. Less than nine (9) or no entry is permitted consistent with the records of the reporting entity. Entry must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(v) 39: Attending Physician Identification ID Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced

registered nurse practitioner who had primary responsibility for the patient's medical care and treatment or who certified as to the medical necessity of the services rendered. For military physicians not licensed in Florida, use US. A required entry. An eleven character alphanumeric field. A required physician identification number, using the State of Florida AHCA issued license number; e.g., FLME1298465. The prefix abbreviation "FL" must be included for it to be a valid identifier. The attending physician is normally that physician having primary responsibility for the inpatient's admission, care and treatment plan, or who certifies to medical necessity.

40. Blank Field. A six character alpha-numeric field to be left blank.

(w)41. Operating or Performing Physician Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who had primary responsibility for the principal procedure performed. The operating or performing physician may be the attending physician. For military physicians not licensed in Florida, use US. No entry is permitted if no principal procedure is reported consistent with the records of the reporting entity. An eleven character alphanumeric field. An optional field depending on the presence of a principal procedure, using the physician identification code issued by the State of Florida; the AHCA issued license number; e.g., FLME1368143. The abbreviation prefix "FL" must be included for a valid identifier. The physician ID is required anytime that an operative procedure is performed on the inpatient. The operating physician is normally the surgeon scheduling surgery and/or the principal surgeon responsible. Can also be the attending physician.

42. Blank Field. A six character alphanumeric field to be left blank.

(x) Other Physician Identification Number – The Florida license number of a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who rendered care to the patient other than the attending physician, operating or performing physician. For military physician not licensed in Florida, use US. No entry is permitted consistent with the records of the reporting entity.

(y) Room and Board Charges. Routine service charges incurred for accommodations. Charges grouped by revenue code 11X through 16X as used in the UB-92 or UB-04. Charges to be reported in dollars numerically, without dollar signs or commas, excluding cents. Report zero (0) if there are no Room and Board Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(z) Nursery Charges. Accommodation charges for nursing care to newborn and premature infants in nursery. Charges grouped by revenue code 17X as used in the UB-92 or UB-04 excluding Level III charges. Charges to be reported in dollars numerically, without dollar signs or commas, excluding cents.

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

(aa) Level III Nursery Charges. Accommodation charges for nursing care to newborn and premature infants for Level III nursery charges. Charges grouped by revenue code 173 (Level III) as used in the UB-92 or UB-04. Charges to be reported in dollars numerically, without dollar signs or commas, excluding cents. Report zero (0) if there are no Level III Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(bb) Intensive Care Charges. Routine service charges for medical or surgical care provided to patients who require a more intensive level of care than is rendered in the general medical or surgical unit. Exclude neonatal intensive care charges reported as a Level III Nursery Charge. Charges grouped by revenue code 20X as used in the UB-92 or UB-04. Reported in dollars numerically, without dollar signs or commas, excluding cents. Report zero (0) if there are no intensive care charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(cc) Coronary Care Charges. Routine service charges for medical care provided to patients with coronary illness who require a more intensive level of care than is rendered in the general medical unit. Charges grouped by revenue code 21X as used in the UB-92 or UB-04. Reported in dollars numerically, without dollar signs or commas, excluding cents. Report zero (0) if there are no Coronary care charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(dd) Pharmacy Charges. Charges for medication. Charges grouped by revenue code 25X or 63X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ee) Medical and Surgical Supply Charges. Charges for supply items required for patient care. Charges grouped by revenue code 27X or 62X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ff) Laboratory Charges. Charges for the performance of diagnostic and routine clinical laboratory tests and for diagnostic and routine tests in tissues and culture. Charges grouped by revenue code 30X or 31X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(gg) Radiology or Other Imaging Charges. Charges for the performance of diagnostic and therapeutic radiology services including computed tomography, mammography, magnetic resonance imaging, nuclear medicine, and chemotherapy administration of radioactive substances. Charges grouped by revenue code 32X through 35X and 40X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no radiology or other imaging charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(hh) Cardiology Charges. Facility charges for cardiac procedures rendered such as, but not limited to, heart catheterization or coronary angiography. Reported in dollars numerically without dollar signs or commas, excluding cents. Charges grouped by revenue code 48X as used in the UB-92 or UB-04. Report zero (0) if there are no cardiology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ii) Respiratory Services or Pulmonary Function Charges. Charges for administration of oxygen, other inhalation services, and tests that evaluate the patient's respiratory capacities. Charges grouped by revenue code 41X or 46X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no respiratory service or pulmonary function charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(jj) Operating Room Charges. Charges for the use of the operating room. Charges grouped by revenue code 36X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(kk) Anesthesia Charges. Charges for anesthesia services by the facility. Charges grouped by revenue code 37X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no anesthesia charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ll) Recovery Room Charges. Charges for the use of the recovery room. Charges grouped by revenue code 71X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no recovery room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(mm) Labor Room Charges. Charges for labor and delivery room services. Charges grouped by revenue code 72X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents.

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

(nn) Emergency Room Charges. Charges for medical examinations and emergency treatment. Charges grouped by revenue code 45X used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(oo) Trauma Response Charges. Charges for a trauma team activation. Charges grouped by revenue code 68X used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no trauma response charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(pp) Treatment or Observation Room Charges. Charges for use of a treatment room or for the room charge associated with observation services. Charges grouped by revenue code 68X used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(qq) Behavioral Health Charges. Charges for behavioral health treatment and services. Charges grouped by revenue code 90X through 91X or 100X used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(rr) Oncology. Charges for treatment of tumors and related diseases. Charges grouped by revenue code 28X used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no oncology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ss) Physical and Occupational Therapy Charges. Charges for physical, occupational or speech therapy grouped by revenue code 42X through 44X used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

43- through 65. Charges grouped by revenue code as used in the UB-92. A required field up to eight digits, right justified. If inpatient accounts contain billing charges in matching revenue code fields, data for each specific revenue code must be submitted. Zero fill only if no charges exist in the respective revenue code field. All decimals rounded to the nearest dollar. Negative amounts are not accepted. Codes utilized will be

aggregated under the categories listed in the UB-92 manual (e.g., Revenue code 112 is reported in the (11X) group; code 303 is reported in the (30X) group; and so forth).

(tt)66: Other "Other" Revenue Charges. Other facility charges not included in (y) to (ss) above. A required field up to eight digits containing an aggregate dollar amount charged to the inpatient account. Include charges that are not reflected in any of the preceding specific revenue accounts in the UB-92 or UB-04. (Field Elements 43-65.) Total is rounded to the nearest dollar. Right justify; no negative amounts. DO NOT include charges from revenue codes 96X, 97X, 98X, or 99X in the UB-92 or UB-04 for because these charges are professional fees and personal convenience items not carried in all hospital billing information. Zero fill if "Other" charges do not exist. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(uu)67: Total Gross Charges. The total of undiscounted charges for services rendered by the hospital. Include charges for services rendered by the hospital excluding professional fees. The sum of all charges reported above (y) through (tt) must equal total charges, plus or minus ten (10) dollars. Reported in dollars numerically without dollar signs or commas, excluding cents. Zero (0) or negative amounts are not permitted unless verified separately by the reporting entity. A required entry. A required field up to ten digits, right justified. Displays the total inpatient charges (dollars) before any discounts, rounded to the nearest dollar. No negative numbers. Must equal the sum of all of the Charges By Revenue Code reported; Fields 43 through 66.

(vv)68: Infant Linkage Identifier. The social security number of the patient's birth Mother where the patient is less than two (2) years of age. A nine (9) digit field to facilitate retrieval of individual case records, to be used to link infant and mother records, and for medical research. Reporting 77777777 for the Mother's SSN is acceptable for those patients where efforts to obtain the Mother's SSN have been unsuccessful and the Mother is not known to be from a country other than the United States. Reporting 55555555 is acceptable if the infant's Mother is not a U.S. Citizen and has not been issued a SSN. Infants in the custody of the State of Florida or adoptions, use 33333333 if the birth mother's SSN is not available. A required field for patients whose age is less than two (2) years of age at time of discharge. A required field for patients less than two (2) years of age. A nine digit numeric field. Use the birth mother's (preferred) or father's (acceptable) SSN. CAUTION: If the patient is two (2) years of age or older, this field is zero filled. To be used only for research purposes to link infants with their respective mother. (Linkage identifiers for infants one year of age and older and less than two years are required beginning with discharges occurring on or after January 1, 2003.)

(ww) Admitting Diagnosis. The diagnosis provided by the admitting physician at the time of admission, which describes the patient's condition upon admission or purpose of admission. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. Inconsistency between the admitting diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the admitting diagnosis code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry.

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

(yy) Infection Code (1), Infection Code (2), Infection Code (3), Infection Code (4), Infection Code (5), Infection Code (6), Infection Code (7), Infection Code (8), and Infection Code (9). A code representing an incident of nosocomial infection resulting from a surgical, or from an infusion, injection, transfusion, or vaccination site or occurring post operatively or due to an internal prosthetic device, implant or graft including inflammatory reaction. Entry must be a valid ICD-9-CM or ICD-10-CM code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Report up to nine (9) infection codes. Less than nine (9) infection codes or no entry is permitted consistent with the records of the reporting entity.

(zz) Hour of Arrival. The hour on a twenty four (24) hour clock during which the patient's registration in the admission department occurred. A required entry. Use 99 where the patient was not admitted through the emergency department or where efforts to obtain the information have been unsuccessful. Must be two (2) digits as follows:

1. 00 – 12:00 midnight to 12:59
2. 01 – 01:00 to 01:59
3. 02 – 02:00 to 02:59
4. 03 – 03:00 to 03:59
5. 04 – 04:00 to 04:59
6. 05 – 05:00 to 05:59
7. 06 – 06:00 to 06:59
8. 07 – 07:00 to 07:59

- 9. 08 – 08:00 to 08:59
- 10. 09 – 09:00 to 09:59
- 11. 10 – 10:00 to 10:59
- 12. 11 – 11:00 to 11:59
- 13. 12 – 12:00 noon to 12:59
- 14. 13 – 01:00 to 01:59
- 15. 14 – 02:00 to 02:59
- 16. 15 – 03:00 to 03:59
- 17. 16 – 04:00 to 04:59
- 18. 17 – 05:00 to 05:59
- 19. 18 – 06:00 to 06:59
- 20. 19 – 07:00 to 07:59
- 21. 20 – 08:00 to 08:59
- 22. 21 – 09:00 to 09:59
- 23. 22 – 10:00 to 10:59
- 24. 23 – 11:00 to 11:59
- 25. 99 – Unknown.

(aaa) Readmission Indicator Code. The readmission status of the patient. A required field. Must be a one (1)-digit code as follows:

1. 1. – Readmission 72 Hours – The patient was discharged from the reporting hospital and readmitted to the reporting hospital within seventy-two (72) hours or less than seventy-two (72) hours of initial discharge.

2. 2. – Readmission 30 Days – The patient was discharged from the reporting hospital and readmitted to the reporting hospital within thirty (30) days of initial discharge and more than seventy-two (72) hours of discharge.

3. 3. – No Readmission – The patient has not been admitted or discharged from the reporting hospital within thirty (30) days of this admission to the reporting hospital.

69. Filler. A sixty-two character space filled alpha field.

(3)(e) TRAILER RECORD. The last record in the data file shall be a trailer record and must accompany each data set. Report only the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed. This record must follow any/all documentation submitted for hospital inpatient discharge data records as described in paragraph 59E-7.014(1)(b), F.A.C. Elements 2. through 5. must match their counterpart elements in the Header Record, paragraph 59E-7.014(1)(a), F.A.C., else the file will reject. Failure to include will cause the data file to fail and be rejected.

1. Transaction Code. A required single character alpha identifier used by the hospital to establish the end of the file, and to set up a program check for accuracy of file input. The authorized identifier for the field is "T". File is rejected if missing or wrong.

2. AHCA Hospital Number. Up to ten character alphanumeric field which specifies the hospital number now in effect and/or as assigned by the AHCA. Must be either the

100xxx or 11xxxx format or as specified by AHCA. A required field. File is rejected if missing, wrong, or does not match Header Record.

3. Florida License Number. Up to a ten character alphanumeric field for insertion of the hospital license number provided by the AHCA Division of Health Quality Assurance. Left justify, leave unused field spaces blank. Must match counterpart field in Header file. A required field. File is rejected if the license number is invalid, outdated, missing or wrong.

4. Provider Medicaid Number. Up to a ten character alphanumeric hospital number assigned by the AHCA Medicaid office. A required field. File is rejected if improperly formatted, missing or wrong.

5. Provider Medicare Number (MPN). Up to a ten character alphanumeric hospital number assigned by the HCFA Medicare office. A required field. Must match counterpart field in Header file. Left justify, leave unused field spaces blank. File is rejected if improperly formatted, missing or wrong.

6. Provider Street Address. Up to a forty character alphanumeric field containing the address of the Provider Hospital. Left justify, leave unused field spaces blank. A required field.

7. Provider City Address. Up to twenty-five character alphanumeric field for the city in which the hospital is located. A required field.

8. Provider State. A two character alpha field designating the state in which the hospital is located using the approved U.S. Postal Service state abbreviation; use the abbreviation "FL". A required field.

9. Provider Zip Code. A five digit numeric field for recording the hospital zip code. A required field.

10. Submitter Street Address. Up to a forty character alphanumeric field containing the address of the data submitter. A required field.

11. Submitted City Address. Up to twenty-five character alphanumeric field for the city in which the data submitter is located. A required field.

12. Submitter State. A two character alpha field designating the state in which the data submitter is located using the approved U.S. Postal Service state abbreviation; use the abbreviation, for example, "FL". A required field.

13. Submitter Zip Code. A five digit numerical field for recording the submitting organization's zip code. A required field.

14. Number of Records. A required nine digit numerical field recording the total number of records included in the file, excluding Header and Trailer records.

15. Filler Space. A two hundred eighty six character space filled alpha field.

(2) Layout for Reporting. The required inpatient discharge record data reporting layout is presented in 3 sections.

(a) ~~HEADER RECORD. A required record inserted at the beginning of the tape/diskette. Must be present for the tape to run. Contains 480 characters with the following layout of fields:~~

NO.	DATA ELEMENT	TYPE	JUST	SIZE	FIELD POSITIONS
1.	TRANSACTION CODE (H)	A	L	1	1
2.	REPORTING YEAR	N	R	4	2-5
3.	REPORTING QUARTER	N	R	1	6
4.	DATA TYPE (PD10)	A/N	L	4	7-10
5.	SUBMISSION TYPE	A	L	1	11
6.	PROCESSING DATE	N	R	8	12-19
7.	AHCA HOSPITAL NUMBER	A/N	R	10	20-29
8.	FLORIDA LICENSE NUMBER	A/N	L	10	30-39
9.	PROVIDER MEDICAID NUMBER	A/N	L	10	40-49
10.	PROVIDER MEDICARE NUMBER	A/N	L	10	50-59
11.	PROVIDER ORGANIZATION	A/N	L	40	60-99
12.	PROVIDER CONTACT NAME	A	L	25	100-124
13.	CONTACT PERSON TELEPHONE #	N	R	10	125-134
14.	CONTACT TELEPHONE EXTENSION	N	R	4	135-138
15.	SUBMITTER ORGANIZATION NAME	A/N	L	40	139-178
16.	SUBMITTER CONTACT NAME	A/N	L	25	179-203
17.	SUBMITTER CONTACT TELEPHONE #	N	R	10	204-213
18.	CONTACT TELEPHONE EXTENSION	N	R	4	214-217
19.	FILLER SPACE	A/N	L	263	218-480

(b) ~~HOSPITAL INPATIENT DISCHARGE DATA RECORDS. Contains the required record layout of Inpatient Discharge Data elements which make up each inpatient discharge record, having an individual record length of 480 characters:~~

NO.	DATA ELEMENT	TYPE	JUST	SIZE	FIELD POSITIONS
1.	DATA TYPE (PD10)	A/N	L	4	1-4
2.	ACTION CODE	A	L	1	5
3.	REPORTING QUARTER	N	R	1	6
4.	REPORTING YEAR	N	R	2	7-8
5.	AHCA HOSPITAL NUMBER	A/N	R	10	9-18
6.	RECORD ID NUMBER	A/N	L	17	19-35
7.	INPATIENT SOCIAL SECURITY NUMBER	N	R	9	36-44
8.	INPATIENT RACE	N	R	1	45
9.	INPATIENT BIRTHDATE	N	R	8	46-53
10.	INPATIENT SEX	N	R	1	54
11.	INPATIENT ZIP CODE	N	R	5	55-59
12.	TYPE OF ADMISSION	N	R	1	60
13.	SOURCE OF ADMISSION	N	R	2	61-62

14.	ADMISSION DATE	N	R	6	63-68
15.	DISCHARGE DATE	N	R	6	69-74
16.	INPATIENT DISCHARGE STATUS	N	R	2	75-76
17.	PRINCIPAL PAYER CODE	A	L	1	77
18.	PRINCIPAL DIAGNOSIS CODE	A/N	L	5	78-82
19.	OTHER DIAGNOSIS CODE	A/N	L	5	83-87
20.	OTHER DIAGNOSIS CODE	A/N	L	5	88-92
21.	OTHER DIAGNOSIS CODE	A/N	L	5	93-97
22.	OTHER DIAGNOSIS CODE	A/N	L	5	98-102
23.	OTHER DIAGNOSIS CODE	A/N	L	5	103-107
24.	OTHER DIAGNOSIS CODE	A/N	L	5	108-112
25.	OTHER DIAGNOSIS CODE	A/N	L	5	113-117
26.	OTHER DIAGNOSIS CODE	A/N	L	5	118-122
27.	OTHER DIAGNOSIS CODE	A/N	L	5	123-127
28.	PRINCIPAL PROCEDURE CODE	A/N	L	4	128-131
29.	PRINCIPAL PROCEDURE DATE	N	R	6	132-137
30.	OTHER PROCEDURE	A/N	L	4	138-141
31.	OTHER PROCEDURE	A/N	L	4	142-145
32.	OTHER PROCEDURE	A/N	L	4	146-149
33.	OTHER PROCEDURE	A/N	L	4	150-153
34.	OTHER PROCEDURE	A/N	L	4	154-157
35.	OTHER PROCEDURE	A/N	L	4	158-161
36.	OTHER PROCEDURE	A/N	L	4	162-165
37.	OTHER PROCEDURE	A/N	L	4	166-169
38.	OTHER PROCEDURE	A/N	L	4	170-173
39.	ATTENDING PHYS ID #	A/N	L	11	174-184
40.	BLANK FIELD	A/N	L	6	185-190
41.	OPERATING PHYS ID #	A/N	L	11	191-201
42.	BLANK FIELD	A/N	L	6	202-207
43.	ROOM & BOARD CHARGE CODE (11X to 16X)	N	R	8	208-215
44.	NURSERY CHARGE CODE (17X)	N	R	8	216-223
45.	ICU CHARGE CODE (20X)	N	R	8	224-231
46.	CCU CHARGE CODE (21X)	N	R	8	232-239
47.	PHARMACY CHARGE CODE (25X)	N	R	8	240-247
48.	MED/SURG SUPPLIES CODE (27X)	N	R	8	248-255
49.	ONCOLOGY CHARGE CODE (28X)	N	R	8	256-263
50.	LABORATORY CHARGE CODE (30X)	N	R	8	264-271
51.	PATHOLOGY CHARGE CODE (31X)	N	R	8	272-279
52.	DIAGNOSTIC RAD. CHARGE CODE (32X)	N	R	8	280-287
53.	THERAPEUTIC RAD. CHARGE CODE (33X)	N	R	8	288-295
54.	NUC. MED. CHARGE CODE (34X)	N	R	8	296-303
55.	CT SCAN CHARGE CODE (35X)	N	R	8	304-311

56.	O.R. SVCS. CHARGE CODE (36X)	N	R	8	312-319
57.	ANESTHESIA CHARGE CODE (37X)	N	R	8	320-327
58.	RESP. THERAPY CHARGE CODE (41X)	N	R	8	328-335
59.	PHYS. THERAPY CHARGE CODE (42X)	N	R	8	336-343
60.	OCCUP. THERAPY CHARGE CODE (43X)	N	R	8	344-351
61.	E.R. SVC. CHARGE CODE (45X)	N	R	8	352-359
62.	CARDIOLOGY CHARGE CODE (48X)	N	R	8	360-367
63.	MRI CHARGE CODE (61X)	N	R	8	368-375
64.	RECOVERY ROOM CHARGE CODE CHARGES (71X)	N	R	8	376-383
65.	LABOR ROOM CHARGE CODE CHARGES (72X)	N	R	8	384-391
66.	"OTHER" REVENUE CODE CHARGES	N	R	8	392-399
67.	TOTAL GROSS CHARGES	N	R	10	400-409
68.	INFANT LINKAGE IDENTIFIER	N	R	9	410-418
69.	FILLER	A	62		419-480

(e) TRAILER RECORD. Is a required record inserted at the end of the tape/diskette. If field numbers 2 through 5 do not match their counterpart fields in the HEADER RECORD, the file will reject. Contains 480 characters with the following layout of fields:

NO.	DATA ELEMENT	TYPE	JUST	SIZE	FIELD POSITIONS
1.	TRANSACTION CODE (T)	A	L	1	1
2.	AHCA HOSPITAL NUMBER	A/N	R	10	2-11
3.	FLORIDA LICENSE NUMBER	A/N	L	10	12-21
4.	PROVIDER MEDICAID NUMBER	A/N	L	10	22-31
5.	PROVIDER MEDICARE NUMBER	A/N	L	10	32-41
6.	PROVIDER STREET ADDRESS	A/N	L	40	42-81
7.	PROVIDER CITY ADDRESS	A/N	L	25	82-106
8.	PROVIDER STATE	A	L	2	107-108
9.	PROVIDER ZIP CODE	N	R	5	109-113
10.	SUBMITTER STREET ADDRESS	A/N	L	40	114-153
11.	SUBMITTER CITY ADDRESS	A/N	R	25	154-178
12.	SUBMITTER STATE	A	L	2	179-180
13.	SUBMITTER ZIP CODE	N	R	5	181-185
14.	NUMBER OF RECORDS	N	R	9	186-194
15.	FILLER SPACE	N	R	286	195-480

"Type" means (A)lpha or (N)umeric or (A/N) alphanumeric field. "Justification" is either (R)ight or (L)eft.

(3) Reporting Parameters. Hospitals submitting inpatient discharge data pursuant to Rule 59E-7.014, F.A.C., shall report data according to the following parameters:

(a) HEADER RECORD. Consists of a single record at the beginning of each data submission to validate identification of the hospital and submitter responsible for the inpatient discharge records in subsection 59E-7.014(2), F.A.C. This is a required record with all fields filled to enable the tape/diskette to process. Submit one Header Record per tape/diskette data submission.

1. Record identification is a required five character alpha field which must carry the startup designation "H". If missing or wrong, processing will terminate at this point.

2. Reporting Year is a four digit numeric field in the CCYY format which specifies the year in which the discharges being submitted occurred. This is a mandatory field for submission types "I" (Initial submission) and "R" (Resubmission)(see 5. below).

3. Reporting Quarter is a single digit numeric field which indicates the reporting quarter in which the discharges occurred within 2. above. This is a mandatory field for submission types "I" and "R" (see 5. below).

4. Data Type is a required four character alphanumeric field which identifies the type of data which follows the Header Record. See also subparagraph 59E-7.014(1)(a)4., F.A.C., Header Record for the authorized code.

5. Submission Type is a required single character alpha field which identifies the type of data being submitted: I—Initial submission. This code is used for the first submission of a data set for the specified time period; should also be used when replacing previously rejected files. R—Resubmission. Replaces all accepted or partially accepted records for the specified time period. All Data Set Action Code entries (For "I" or "R") must be "A" in accordance with definitions specified in Rule Section II, subsection 59E-7.014(2), F.A.C. All existing data for the time period will be deleted and replaced with the new data set. M—Maintenance. All submissions in this category are those which do not meet "I" or "R" requirements. All Data Set Action Code entries for "M" will include "A" or "D", or "U" as specified in Rule II, subsection 59E-7.014(2), F.A.C.

6. Process Date is an eight digit required numeric field in which the date that the data file was processed or created by the Provider/Submitter is inserted. Must be in the MMDDCCYY format.

7. AHCA Hospital Number is a required field up to ten alphanumeric characters which designate the hospital identifier. AHCA currently uses and assigns a standard six digit or eight digit number. Multi-premises hospital systems are required to submit hospital inpatient data separately using a unique AHCA Hospital number to distinguish each individual

premises. For hospitals now reporting, this entails no change to the current hospital identifier except for added zeros at the beginning of the field.

8. Florida License Number is an alphanumeric field of up to ten characters which indicates the license number granted to the hospital by the AHCA Division of Health Quality Assurance to legally operate a hospital in the State of Florida.

9. Provider Medicaid Number is an alphanumeric entry of up to ten characters which designates the identification number or account number of the hospital for Medicaid reimbursement.

10. Provider Medicare Number is an alphanumeric entry of up to ten characters which designates the identification number or account number of the hospital granted by HCFA for Medicare reimbursement. The MPN.

11. Provider Organization Name is the name of the hospital submitting the inpatient discharge data. Enter up to forty alphanumeric characters.

12. Provider Contact Person is the person who actually prepares the inpatient discharge data and/or is the individual most knowledgeable about the data and its preparation, to whom all queries concerning hospital data are to be directed. Use up to twenty five alphanumeric characters.

13. Provider Contact Phone is the telephone number at which the contact person in field 12 above can normally be contacted by the AHCA staff. Use a ten digit number which includes the area code. Do Not include hyphens, parenthesis, braces, or any other alpha character.

14. Provider Phone Extension is an optional field up to four numeric digits in which the contact person's telephone extension is entered, if one exists. Zero fill if no extension is provided.

15. Submitter Organization Name consists of the name of the hospital, corporate headquarters, or other data preparation service which is actually submitting the data to AHCA. Must be provided even if it is the hospital. Use up to forty alphanumeric characters.

16. Submitter Contact Person is the individual designated by the submitting organization or agency to be the point of contact person for the hospital's data being submitted.

17. Submitter Contact Phone is the telephone at which the contact person in field 16 above can normally be contacted by AHCA staff. Use a ten digit number which includes the area code. Do Not include hyphens, parenthesis, braces, or any other alpha character.

18. Submitter Phone Extension is an optional field up to four numeric digits in which the contact person's telephone extension is entered, if one exists. Zero fill if no extension is provided.

19. Filler is provided by making allowance for two hundred sixty three spaces.

(b) INPATIENT DATA ELEMENTS FORMAT AND EDIT CRITERIA. This section specifies the format requirements for inpatient discharge data requirements which

are required to be submitted to the AHCA in accordance with the provisions of this rule. Unless otherwise specified in the instructions as being optional or discretionary fields, each field is a required input. An omission can cause fatal rejection or be an error flagged for correction/validation.

1. Data Type is a required four character alphanumeric designator for the type of data being submitted; i.e., Hospital Inpatient Discharge Data. The approved code to be used is PD10. Must match the data submitted in subparagraph 59E-7.014(1)(a)4., F.A.C., Header Record.

2. Action Code is a single character alpha designator for the specific processing action required by the record being submitted. Authorized codes which must be used are: A—Add a new record; D—Delete an existing record; U—Update (correct) an existing record. Failure to provide will result in an error flagged record.

3. Reporting Quarter is a single digit numeric field designating the calendar quarter in which the discharge occurred for each record. Designation is made as follows: 1—January 1 through March 31; 2—April 1 through June 30; 3—July 1 through September 30; 4—October 1 through December 31. The quarter code must match the code in the Header Record in this rule.

4. Reporting Year Code is a required two digit numeric identifier submitted by hospitals to identify the time of the year in which the discharges occurred.

5. The AHCA Hospital Number is a ten alphanumeric character field in which is placed the current six digit or eight digit hospital number on file with AHCA or as furnished by the AHCA. A required field within each inpatient record. Will lead to a fatal error (i.e., data will cease processing) if not provided.

6. The Hospital Record Identifier must be provided—the field cannot be all spaces. Must be a unique identifier for each inpatient, no more than seventeen alphanumeric characters (Standard characters: Letters and/or Numbers). Failure to provide an identifier or duplication of an identifier will result in a fatal error and REJECTION of the entire file without further processing.

7. The Social Security Number (SSN) is a nine (9) digit required field for all patients having social security numbers. SSNs should be submitted for all inpatients two (2) years of age or older. Patients not having SSNs should be in one of the following groups: newborns and infants less than 2 years of age, very old inpatients never issued a SSN, foreign visitors (including aliens), and migrant workers (i.e., non citizens). An entry of 000000000 is acceptable for patients less than two (2) years of age who do not have an SSN. For patients not from the U.S., use 555555555, if a SSN is not assigned. For those patients where efforts to obtain the SSN have been unsuccessful or where one is unavailable, and the patient is two (2) years or older and a resident of the U.S., use 777777777. DO NOT share SSNs in this field; one SSN—one inpatient.

8. Inpatient Race is a single digit entry showing: 1— American Indian/Eskimo/Aleut, 2— Asian or Pacific Islander, 3— Black, 4— White, 5— Hispanic-White, 6— Hispanic-Black, 7— Other (Use if patient is not described by above categories), 8— No Response (Use if patient refuses to disclose). For use by AHCA as demographic and epidemiological information, and health planning. Not an optional field.

9. Inpatient Date of Birth is required; must be eight digits in the MMDDCCYY format. Month must be entered as 01 through 12 (as appropriate for the month in which born); Day must be entered as 01 through 31; Year must be in four digits (e.g., 1932).

10. Inpatient Sex is a required field. Entry must be a single digit; 1— Male, 2— Female, or 3— unknown.

11. A valid Zip Code is required; must be five digits. Use 00009 for patients of foreign origin. Use 00007 for homeless patients. Use 00000 for unknown zip codes. Spaces are not acceptable.

12. Type of Admission entry is a required single digit numeric field. Must be 1-5 (See subparagraph 59E-7.014(1)(b)12., F.A.C.), Type of Admission 4, Newborn reporting, includes all infants born in the hospital. If an infant is born in a hospital, the hospital in which the birth occurred will report the event as a Type of Admission 4, regardless of the outcome of the birth; i.e., normal birth with infant discharged home, premature birth transferred within hours, stillborn, infant death following delivery, delivery with problems requiring transfer, etc.

13. A Source of Admission entry is required; a two digit field. Must be 01-14 (See subparagraph 59E-7.014(1)(b)13., F.A.C.), Additional codes have been included to provide the hospital with more specificity selections for infant admissions. If the Type of Admission is 4 (Newborn) (12. above), the Source of Admission "Codes Required For Newborn 10-14 MUST be used.

14. An Admission Date is required; a six digit field using the MMDDYY format. Month must be entered as 01 through 12; Day must be entered as 01 through 31; Year must be in two digits (e.g., 94). Admission date must be equal to or precede the Discharge Date (Field 15).

15. A Discharge Date is required; a six digit field using the MMDDYY format. Month must be entered as 01 through 12 (as appropriate for the discharge month); Day must be entered as 01 through 31; Year must be in two digits (e.g., 92). The Discharge Date must equal or follow the Admission Date (Field 14), Discharge Date must occur within a specified reporting quarter as shown on the external label or the tape/diskette: e.g., 01/01—03/31, 04/01—06/30, 07/01—09/30, 10/01—12/31.

16. Inpatient Discharge Status is a required field; must be two digits using the codes 01-08, 20, or 50-51 (subparagraph 59E-7.014(1)(b)16., F.A.C.).

17. Principal Payer Code is a required field; must be a single alpha character (UPPERCASE), A—O. Describes the primary source of expected reimbursement to the hospital for services.

19. through 27. Other Diagnosis fields are optional fields of valid three to five digit ICD-9-CM codes in a five digit field which describe additional health factors affecting the inpatient's treatment and length of stay in the hospital. Space fill if no other diagnosis is present in the inpatient's medical record. If not space filled, codes used must be valid ICD-9-CM codes as defined by the HCFA Code Editor. Codes cannot duplicate the Principal Diagnosis code or any Other Diagnosis Codes. Other Diagnosis codes cannot conflict with inpatient age/sex as defined by the HCFA code editor. E-codes are included in Other Diagnosis fields as valid codes. Applicable V-Codes are acceptable. Blank spaces between two consecutive Other Diagnosis fields will cause an error flag. 18. A Principal Diagnosis Code is required for every inpatient, and must be a valid ICD-9-CM code as defined by the Health Care Finance Administration (HCFA) Medicare Code Editor. Diagnosis codes vary from three character codes to three characters plus one or two decimal digits, but are submitted WITHOUT the decimal. Applicable V-Codes are acceptable. The principal diagnosis cannot be an E-Code or a manifestation code. The Principal Diagnosis code cannot be repeated in any of the Other Diagnosis codes. The Principal Diagnosis cannot conflict with an inpatient's age/sex as defined by the HCFA code editor. The accepted definition of Principal Diagnosis is "Principal diagnosis is the condition established, after study, to be chiefly responsible for occasioning the admission of the inpatient to the hospital." A space filled field IS NOT acceptable.

28. Principal Procedure Code is an optional field; use four alphanumeric characters. Space fill if not used. If a procedure has been performed, then Principal Procedure Code is a mandatory entry. Must be a valid ICD-9-CM code as defined by the HCFA Code Editor. If used, both a Principal Procedure Date (field 30) and Operating Physician Identification (field #42) must be supplied. A Principal Procedure code cannot conflict with an inpatient's sex or age as defined by the HCFA Code Editor.

29. A Principal Procedure Date is required if the Principal Procedure field 28 contains an entry; must be a six digit numeric field using the MMDDYY format. Month must be entered as 01 through 12; Day must be entered as 01 through 31 (as appropriate for the month of occurrence); Year must be in two digits (e.g., 94). The Principal Procedure date may occur no sooner than three days prior to the admission date and not later than the discharge date. If not required, zero fill.

30. through 38. Other Procedure Codes are optional, four digit alphanumeric fields. Space fill if not used. Must be preceded by a Principal Procedure. If an Other Procedure has been performed on the inpatient, a valid ICD-9-CM procedure

code as defined by the HCFA Code Editor must be entered. Codes cannot conflict with the inpatient's sex or age as defined by the HCFA Code Editor. Space filled fields between two successive coded procedure fields will create an error.

39. The Attending Physician ID is a mandatory entry showing the identification number of the physician having primary responsibility for the inpatient's care program and treatment, or the physician who certified medical necessity for the inpatient's admission to the hospital. Use up to eleven alphanumeric characters. Insert the State of Florida physician license number as issued and recorded by the AHCA Division of Medical Quality Assurance, preceded by the suffix "FL". No other entries will be accepted, and the file will be error flagged.

40. Blank Field is a blank fill entry.

41. The Operating Physician ID is a required entry only if the Principal Procedure code field 28 is filled. Fill with the identification number of the physician having primary responsibility for the inpatient's surgery and/or who scheduled the surgery. May also be the attending physician (Field 40). An eleven character alphanumeric field using the State of Florida physician license number as issued and recorded by the AHCA Division of Medical Quality Assurance, preceded by the suffix FL. No other entries will be accepted.

42. Blank Field is a blank fill entry.

43. through 65. Charges by Revenue Code are required fields if charges are debited to the inpatient account for services rendered in these fields, as reported in the UB-92. Charges are rounded to the nearest dollar. All charges are to be reported under the major code of a group, (e.g., 115 in the 11X to 16X group, 282 in the 28X group, 427 in the 42X group, etc.). An eight digit field; right justified.

66. "Other" Charges by Revenue Code is required for all charges to the inpatient account which do not fall in one of the individual groups (Fields 44-65). A sum of all "other" charges by revenue account fields. An eight digit field; right justified. DO NOT include charges for revenue codes 96X, 97X, 98X, or 99X. Negative charges are not accepted. This field will be edited to ensure that all charges by revenue code are not being placed into it.

67. Total Gross Charges is a required field; a ten digit field rounded to the nearest dollar. Zero filled or space filled total gross charges are not accepted unless the Type of Admission is 4, (Field 12) and Discharge Status is 02, 05, or 20 (Field 18). MUST equal the sum of all of the charges by revenue code in fields 43 through 66. The AHCA will make an allowance for rounding only.

68. Infant Linkage Identifier is a required field of nine numeric digits for patients less than two (2) years of age. Enter the birth mother's Social Security Number or if the birth mother's Social Security Number is not available, enter the father's Social Security Number in the Infant Linkage Identifier field. For patients not from the U.S., use 55555555.

if a SSN is not assigned. For patients in the custody of the State or adoptions, use 333333333 if the birth mother's or father's SSN is not available. Use 999999999 in the Infant Linkage Identifier field for unknown mother's and father's SSN. If the patient is two (2) years of age or older, the field is zero filled.

69. The Filler Space field is a required field which is completed by inserting the correct number of spaces noted in paragraph 59E.7.014(2)(b).

1. Transaction Code is a on(e) TRAILER RECORD. This record must be included at the end of the inpatient discharge records file for the data processing to complete the run. Failure to provide it will cause the hospital's file to cease processing and to be rejected. Is entered into the file only once. Elements 2 through 5 must match the data in their counterpart fields in the HEADER RECORD, else the file will discontinue processing at the field with the difference, and will reject. All fields are required. e character alpha field which requires the entry of the letter "T". This establishes the end of the inpatient discharge data file and diverts the program into a close out validation run.

2. AHCA Hospital Number is up to a ten digit field in which the standard six digit or eight digit number currently being used or those issued to hospitals coming on line by the AHCA is used.

3. Florida License Number is an alphanumeric field up to ten characters which indicate the license number granted to the hospital by the AHCA Division of Health Quality Assurance to legally operate a hospital in the State of Florida.

4. Provider Medicaid Number is up to a ten character alphanumeric entry which designates the identification number or account number of the hospital for Medicaid reimbursement.

5. Provider Medicare Provider Number is up to a ten character alphanumeric entry which designates the identification number or account number of the hospital for Medicare reimbursement.

6. Provider Street Address consists of the hospital address as carried in official document(s). Do Not use P. O. Box numbers for AHCA files since mail sent registered to the hospital through the U.S. Postal Service cannot be delivered to a P. O. Box location. Use up to forty alphanumeric characters.

7. Provider City Address is the city in which the hospital is located. Use up to twenty-five alphanumeric characters.

8. Provider State is the State of Florida using the approved U.S. Postal Service two character abbreviation.

9. Provider Zip Code includes only the five digit numeric data as issued by the U.S. Postal Service. Do not submit zip code extensions.

10. Submitter Street Address is the address where the data is prepared and shipped from. DO NOT USE P. O. Boxes. Enter up to forty alphanumeric characters. A required entry even if the provider and submitter are the same.

~~11. Submitter City Address is the city in which the organization submitting the data is located. Use up to twenty five alphanumeric characters. A required entry even if the provider and submitter are the same.~~

~~12. Submitter State is a two character alpha field using the U.S. Postal Service authorized two letter abbreviation of the state where the submitter is located. A required entry even if the provider and submitter are the same.~~

~~13. Submitter Zip Code includes only the five digit numeric data as issued by the U.S. Postal Service. Do not send zip code extensions. A required entry even if the provider and submitter are the same.~~

~~14. Number of Records is the actual count of records (minus the Header Record and the Trailer Record) included on the tape/diskette submission. A matching count with the number of records physically processed is important if the hospital data is to complete processing. If the number in this field does not match the number of records counted by the AHCA program, the hospital file will be rejected. Use up to nine numeric digits.~~

~~15. Filler consists of all spaces as designated in Section III of the AHCA Data Set and Format.~~

~~(4) The effective date of all data reporting changes in Rule 59E-7.014, F.A.C., as amended, shall be for discharges occurring on or after January 1, 2002 unless a later date is indicated in Rule 59E-7.014, F.A.C.~~

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History--New 12-15-96, Amended 7-11-01, _____.

59E-7.015 Public Records.

(1) No change.

(2) Patient-specific records collected by the Agency pursuant to Rules 59E-7.011-7.016, F.A.C., are exempt from disclosure pursuant to Section 408.061(8), F.S., and shall not be released unless modified to protect patient confidentiality as described in paragraph (2)(a) below and released in the manner described in paragraphs (2)(c) and (2)(d).

(a) The patient-specific record shall be modified to protect patient confidentiality as follows:

1. Patient's Record ID Number as Assigned by the Facility. ~~Will be deleted or a Substitute Sequential Number used.~~

2. Patient Social Security Number. ~~Substitution with a Record Linkage Number. Deleted~~

3. Patient Birth Date. Substitute Age in years.

4. Patient ZIP Code. ~~If less than 500 population for the ZIP Code per the most recent U.S. Census, a masked code representing a combination set of ZIP Codes will be substituted; if out of state, the state ID, territory designation, or country ID will be substituted.~~

~~4.5. Admission Date. Deleted.~~

5.6. Discharge Date. Length of Stay (LOS) is substituted.

6.7. Principal Procedure Date. Days from Admission to Procedure will be substituted.

~~7.8. Infant First Year Linkage ID. Deleted.~~

(b) A record linkage number shall be assigned which does not identify an individual patient and cannot reasonably be used to identify an individual patient through use of data available through the Agency for Health Care Administration, but which can be used for ~~non~~-confidential data output for bona fide research purposes.

(c) No change.

(d) The modified data described in paragraph (2)(a) shall be released in accordance with the Limited Data Set requirements of the federal Health Insurance Portability and Accountability Act public information and shall be available to the public on or after quarterly data has been certified as accurate by seventy-five percent (75%) 95% of reporting hospitals. ~~Local Health Council (LHC) and Community Health Purchasing Alliance (CHPA) data will be released when 100% of the hospitals within that LHC or CHPA have certified data.~~

(3) Aggregate reports derived from patient-specific hospital records collected pursuant to Rules 59E-7.011-7.016, F.A.C., are public records and shall be released as described in this Rule, provided that the aggregate reports do not include the patient's record ID number as assigned by the facility, patient social security number, record linkage number, patient birth date, admission date, discharge date, principal procedure date, patient ZIP Code, or infant newborn linkage identifier; and provided the aggregate reports contain the combination of five or more records for any data disclosed.

(4) No change.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 119.07(1)(a),(2)(a), 408.061(8) FS. History--New 12-15-96, Amended _____.

59E-7.016 General Provisions.

(1) through (2) No change.

~~(3) Hospital data processing/MIS personnel must assure that the tape or disk data conforms to specifications in format from subsections 59E-7.014(1), (2) and (3), F.A.C., without any breaks or blocking or other failure in the data processing cycle.~~

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History--New 12-15-96, Amended 7-11-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:

RULE NO.:

Freestanding Dialysis Center Services

59G-4.105

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, January 2005. The revised handbook includes updated policy, the Health Insurance Portability and Accountability Act (HIPAA) requirements, and the January 2005 fees.

SUBJECT AREA TO BE ADDRESSED: Freestanding Dialysis Center Services.

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: 9:00 a.m., Monday, November 8, 2004

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Medicaid Services Conference Room, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Rinaldi, Medical Health Care Program Analyst, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.105 Freestanding Dialysis Center Services.

(1) No change.

(2) All freestanding dialysis center services providers enrolled in the Medicaid program must comply with the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, January 2005 ~~November 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, which is incorporated in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 8-24-99, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE CHAPTER TITLE: Architecture Examination
 RULE CHAPTER NO.: 61G1-14

PURPOSE AND EFFECT: The Board proposes development of proposed amendments to the aforementioned rule chapter to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Architecture Examination.

SPECIFIC AUTHORITY: 455.217 FS.

LAW IMPLEMENTED: 455.217, 481.209 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Advertising
 RULE NO.: 61G7-11.001

PURPOSE AND EFFECT: This rule is being amended to clarify that a licensee must include its license number on all advertising.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 468.522, 468.530(4) FS.

LAW IMPLEMENTED: 468.530(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-11.001 Advertising.

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

(3) An employee leasing company ~~must need only~~ must include ~~the significant digits in~~ its license number on any advertisements.

Specific Authority 468.522, 468.530(4) FS. Law Implemented 468.530(4) FS. History—New 10-6-94, Amended 3-28-95, 7-1-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida State Boxing Commission

RULE CHAPTER TITLE: General Rules for Boxing, Kickboxing, and Mixed Martial Arts
 RULE CHAPTER NO.: 61K1-1

RULE TITLE: Approval, Disapproval, Suspension of Approval, and Revocation of Approval for Amateur Sanctioning Organizations in Boxing and Kickboxing
 RULE NO.: 61K1-1.0031

PURPOSE AND EFFECT: Pursuant to Section 548.006(3), Florida Statutes, the Florida State Boxing Commission has exclusive jurisdiction over the approval, disapproval, suspension or approval, and revocation of approval of all amateur sanctioning organizations for amateur boxing and kickboxing matches held in Florida. In order to conform to amendments made to Chapter 548, Florida Statutes, in Legislative Session 2004, the development of additional boxing rules under Chapter 548, Florida Statutes, is necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed rules to establish criteria for approval, disapproval, suspension of approval, and revocation of approval of amateur sanctioning organizations in Florida.

SPECIFIC AUTHORITY: 548.003(2) FS.

LAW IMPLEMENTED: Chapter 548 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kelly Harris, The Florida State Boxing Commission, 725 S. Bronough Street, Suite 240, Tallahassee, Florida 32399, (850)488-8500

If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61K1-1.0031 Approval, Disapproval, Suspension of Approval, and Revocation of Approval for Amateur Sanctioning Organizations in Boxing and Kickboxing.

(1) Criteria for Approval.

(a) An amateur sanctioning organization seeking approval from the Florida State Boxing Commission to sanction and supervise matches involving amateur boxers or kickboxers shall meet certain criteria as conditions of approval as follows:

1. For amateur boxing, a statement of agreement to adopt and enforce the health and safety standards of USA Boxing as provided in the Official USA Boxing Rulebook as of June 1, 2004.

2. For amateur kickboxing, a statement of agreement to adopt and enforce the health and safety standards of the International Sport Kickboxing Association (ISKA) as provided in the ISKA Rules as of June 1, 2004.

3. A statement of agreement to adopt and enforce a requirement to have all amateurs participating in a match sanctioned and supervised by the amateur sanctioning organization undergo a pre-match physical examination by a physician approved by the amateur sanctioning organization.

4. A statement of agreement that the organization will not hold, promote, or sponsor a match prohibited under Chapter 548, Florida Statutes, including, but not limited to, an amateur mixed martial arts match in Florida.

5. A statement of agreement to adopt and enforce a requirement to, at a minimum, notify a local ambulance service with a minimum of two qualified attendants, either paramedics or emergency medical technicians, with the date and time of the amateur event for the purpose of either requesting the ambulance service acknowledge an "on-call" status relative to the amateur event or requesting the ambulance service be assigned to the premises of the matches whereupon the following requirements shall be enforced:

a. Ambulance attendants shall be stationed at a location determined by the amateur sanctioning organization's chief official or supervisor-in-charge at the event:

b. A portable resuscitator with all additional equipment necessary for its operation shall be in a state of readiness and located along with the ambulance attendants:

c. A clean stretcher and clean blanket shall be located along with the ambulance attendants: and

d. A portable supply of oxygen shall be located at an easily accessible location at ringside.

6. No match shall begin or continue unless the appropriate medical equipment and personnel are on the premises, in a state of readiness, and in a pre-designated and readily accessible location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning organization. Whenever an ambulance service is "on-call" as it pertains to an amateur event, an oxygen supply with its necessary equipment for proper administration shall be stationed at ringside at a location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning organization.

7. A physician approved by an amateur sanctioning organization shall be licensed to practice medicine in Florida pursuant to Section 458 or 459, Florida Statutes. The physician shall be capable of initiating life-saving procedures and required to demonstrate experience in sports medicine, trauma, neurology, or as a ringside physician.

8. A minimum of one physician approved by the amateur sanctioning organization shall be seated ringside whenever boxing or kickboxing activity is occurring. In situations where more than one ring is assembled and utilized simultaneously with the other, a minimum of one physician shall be seated ringside at each ring where boxing or kickboxing competitions are being held.

a. In the event of injury or illness of any person registered with the amateur sanctioning organization, a registered physician shall have complete charge of such person, shall provide medical assistance, and shall be accorded the full cooperation of all amateur sanctioning organization officials present.

b. Physicians shall not leave the premises until after the final match has been conducted, all amateurs participating have been cleared by the physician(s), and the chief official or supervisor-in-charge of the amateur sanctioning organization has cleared the physician to leave.

9. For amateur boxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by USA Boxing.

10. For amateur kickboxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by the International Sport Kickboxing Association (ISKA) or any other training and certification process for referees approved by the commission or its executive director.

(b) Applications for approval of an amateur sanctioning organization shall specify either boxing or kickboxing. Accordingly, any approval shall be limited to the sport for which the amateur sanctioning organization has applied to obtain approval. An organization seeking approval for both amateur boxing and kickboxing may submit a single application, however, the commission may approve or disapprove the organization either as a whole or as it pertains to a specific sport.

(c) An amateur sanctioning organization shall adequately demonstrate to the satisfaction of the commission that the principals of the organization have sufficient background, training, and experience in sanctioning and supervising matches for which the organization is approved.

(2) Disapproval.

An amateur sanctioning organization that does meet the criteria or requirements for approval provided above, shall be disapproved by the commission or its executive director.

(a) Other criteria or requirements not listed above nor found in the current rules of USA Boxing and or the International Sport Kickboxing Association (ISKA) may be determined as necessary for approval. In such instances, any approved amateur sanctioning organization shall be notified by the executive director of the commission of the new criteria or requirements and given 30 days to implement the changes.

(b) Failure to implement any new requirements as described in the preceding paragraph may be grounds for suspension or revocation of approval.

(3) Suspension of Approval.

(a) Any member of the commission or its executive director may suspend the approval of an amateur sanctioning organization for any of the reasons listed below:

1. Failure to supervise amateur matches;
2. Failure to enforce the approved health and safety standards; or
3. Any other health and safety requirement deemed necessary by the commission.

(b) A suspension of approval shall conform to the procedure for summary suspension under Section 120.60(6), Florida Statutes.

(c) In lieu of a suspension of approval of the amateur sanctioning organization, any member of the commission or a representative of the commission may immediately suspend one or more matches in an event whenever it appears that the match or matches violate the approved health and safety standards or any other health and safety requirement deemed necessary by the commission or a representative of the commission.

(4) Revocation of Approval.

(a) Any amateur sanctioning organization determined by the commission to inadequately sanction and supervise amateur matches based on the approved health and safety standards may be subject to revocation of its approval by the commission.

(b) In instances where a revocation of approval is ordered by the commission, an amateur sanctioning organization and its associated principals shall not seek new approval for a period of one year.

Specific Authority 548.003(2) FS. Law Implemented 548.003, 548.006, 548.0065, 548.008 FS., CS for SB 538. History--New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Citations

RULE NO.: 64B4-5.007

PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 491.004(5) FS.

LAW IMPLEMENTED: 456.621, 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Requirements to Hold Oneself Out as Qualified to Practice Juvenile Sex Offender Therapy
RULE NO.: 64B4-7.007

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to make language changes for clarification purposes.

SUBJECT AREA TO BE ADDRESSED: Qualifications to Hold Out as Certified to Practice Juvenile Sex Offender Therapy.

SPECIFIC AUTHORITY: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-7.007 ~~Requirements~~ ~~Qualifications~~ to Hold Oneself Out as ~~Qualified~~ ~~Certified~~ to Practice Juvenile Sex Offender Therapy.

Effective October 1, 2000, in order for a licensed clinical social worker, marriage and family therapist or mental health counselor to hold oneself out as one qualified ~~certified~~ to practice juvenile sex offender therapy the licensee must have:

- (1) through (2) No change.

Specific Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS. History--New 2-9-99, Amended 4-24-00, 8-24-00,_____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE CHAPTER TITLE: Organization, Operating Procedures, and Disciplinary Guidelines
RULE CHAPTER NO.: 64B12-8

PURPOSE AND EFFECT: The Board proposes to review the entirety of this chapter to ensure that all rules conform with the existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the opticianry profession or other mandatory requisites pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Standard of practice for licensed opticians.

SPECIFIC AUTHORITY: 120.695, 456.004(8), 456.011, 456.017(1)(d), 456.024, 456.072(2)(d), 456.073(4), 456.077, 456.078, 456.079, 484.005 FS.

LAW IMPLEMENTED: 456.004(8), 456.011, 456.017(1)(d), 456.024, 456.072, 456.073, 456.077, 456.078, 456.079, 484.014 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE CHAPTER TITLE: Examination for Licensure, Re-Examination, Examination Review
RULE CHAPTER NO.: 64B12-9

PURPOSE AND EFFECT: The Board proposes to review the entirety of this chapter to ensure that all rules conform with the existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the opticianry profession or other mandatory requisites pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Examination for licensure, re-examination, examination review.

SPECIFIC AUTHORITY: 456.013, 456.017, 456.072, 484.005, 484.007, 484.014 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.072, 484.007, 484.014 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE CHAPTER TITLE: Standard of Practice for Licensed Opticians
 RULE CHAPTER NO.: 64B12-10

PURPOSE AND EFFECT: The Board proposes to review the entirety of this chapter to ensure that all rules conform with the existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the opticianry profession or other mandatory requisites pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Standard of practice for licensed opticians.

SPECIFIC AUTHORITY: 120.695, 456.004(8), 456.011, 456.017(1)(d), 456.024, 456.072(2)(d), 456.073(4), 456.077, 456.078, 456.079, 484.005 FS.

LAW IMPLEMENTED: 456.004(8), 456.011, 456.017(1)(d), 456.024, 456.072, 456.073, 456.077, 456.078, 456.079, 484.014 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE CHAPTER TITLE: Fee Schedule
 RULE CHAPTER NO.: 64B12-11

PURPOSE AND EFFECT: The Board proposes to review the entirety of this chapter to ensure that all rules conform with the existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the opticianry profession or other mandatory requisites pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Fee schedule.

SPECIFIC AUTHORITY: 456.025, 456.036, 45.065, 484.002, 484.005, 484.007, 484.008, 484.009 FS.

LAW IMPLEMENTED: 455.271, 456.013, 456.025, 456.036, 456.065, 484.002, 484.005, 484.007, 484.008, 484.009 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE CHAPTER TITLE: Inactive Licenses; Renewal, Reactivation and Expiration
 RULE CHAPTER NO.: 64B12-12

PURPOSE AND EFFECT: The Board proposes to review the entirety of this chapter to ensure that all rules conform with the existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the opticianry profession or other mandatory requisites pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Inactive licenses; renewal, reactivation and expiration.

SPECIFIC AUTHORITY: 456.013, 456.036, 484.005, 484.008, 484.009 FS.

LAW IMPLEMENTED: 456.013, 456.036, 484.008, 484.009 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE CHAPTER TITLE: Standards of Practice for Board Certified Opticians
 RULE CHAPTER NO.: 64B12-14

PURPOSE AND EFFECT: The Board proposes to review the entirety of this chapter to ensure that all rules conform with the existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the opticianry profession or other mandatory requisites pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Standards of practice for board certified opticians.

SPECIFIC AUTHORITY: 484.002, 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.005, 484.008 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE CHAPTER TITLE: Continuing Education
 RULE CHAPTER NO.: 64B12-15

PURPOSE AND EFFECT: The Board proposes to review the entirety of this chapter to ensure that all rules conform with the existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the opticianry profession or other mandatory requisites pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 456.013, 484.005, 484.008 FS.

LAW IMPLEMENTED: 456.013, 484.008 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE CHAPTER TITLE: Apprenticeship
 RULE CHAPTER NO.: 64B12-16

PURPOSE AND EFFECT: The Board proposes to review the entirety of this chapter to ensure that all rules conform with the existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the opticianry profession or other mandatory requisites pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Apprenticeship.

SPECIFIC AUTHORITY: 484.005, 484.007 FS.

LAW IMPLEMENTED: 484.002, 484.007 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: Display of Current License and Wall Certificate; Pharmacist and Intern Identification
 RULE NOS.: 64B16-27.100

Oral Prescriptions and Copies 64B16-27.103

Conduct Governing Pharmacists and Pharmacy Permittees 64B16-27.104

General Terms and Conditions to be Followed by a Pharmacist When Ordering and Dispensing Approved Medicinal Drug Products 64B16-27.210

Medicinal Drugs That May be Ordered by Pharmacists 64B16-27.220

Fluoride Containing Products That May be Ordered by Pharmacists 64B16-27.230

Standards of Practice – Continuous Quality Improvement Program 64B16-27.300

Pharmacy Technician 1:1 Ratio 64B16-27.410

Pharmacy Technician 2:1 or 3:1 Ratio 64B16-27.420

Duty of Pharmacist to Inform Regarding Drug Substitution 64B16-27.530

Possession and Disposition of Sample Medicinal Drugs 64B16-27.615

Definition of Compounding 64B16-27.700

Standards of Practice – Drug Therapy Management 64B16-27.830

Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain 64B16-27.831

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the rules in conjunction with the consolidation of all requirements for pharmacy practice into Chapter 64B16-27, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed new rules set forth the requirements of pharmacy practice relating to licensure, proper identification, responsibilities of pharmacy

managers, supervision of pharmacy interns and technicians, requirement to inform of drug substitution, proper disposition of sample medicinal drugs, the dispensing of equivalent drugs, and requirements relating to the dispensing of controlled substances for treatment of pain.

SPECIFIC AUTHORITY: 465.005, 465.014, 465.0155, 465.018, 465.022, 465.028, 465.186(2), 499.028 FS.

LAW IMPLEMENTED: 465.003(12),(13), 465.014, 465.0155, 465.016(1)(i),(o), 465.017(2), 465.018, 465.019, 465.022(1)(b), 465.024, 465.025(3)(a), 465.0265, 465.072(1)(i), 465.186, 499.028, 893.07(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

64B16-27.100 Display of Current License and Wall Certificate, Pharmacist and Intern Identification and Renewal Certificates.

(1) The wall certificate and current license of each pharmacist engaged in the practice of the profession of pharmacy as defined by Section 465.003(13)(12), F.S., in any pharmacy shall be displayed, ~~together with the current renewal certificate,~~ when applicable, in a conspicuous place in or near the prescription department, and in such manner that said license can be easily read by patrons of said establishment. Pharmacists employed in secondary practice sites shall present a valid wallet license as evidence of licensure upon request.

(2) No pharmacist shall display, cause to be displayed, or allow to be displayed, ~~their~~ his license in any pharmacy where said pharmacist is not engaged in the practice of the profession as defined in Section 465.003(13)(12), F.S.

(3) A pharmacist and intern must be clearly identified by a means such as an identification badge or monogrammed smock showing their name and if they are a pharmacist or an intern.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022 FS. History—Amended 5-19-72, Repromulgated 12-18-74, Formerly 21S-1.06, 21S-1.006, Amended 7-30-91, Formerly 21S-27.100, 61F10-27.100, Amended 1-30-96, Formerly 59X-27.100, Amended

64B16-27.103 Oral Prescriptions and Copies.

(1) Only a Florida-registered pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida-registered pharmacist may, in the State of Florida, accept an oral prescription of any nature. Upon so accepting such oral prescription it must immediately be reduced to a hard copy, and

~~(2) Only a Florida-registered pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida-registered pharmacist may, in the State of Florida, prepare a copy of a prescription or read a prescription to any person for purposes of providing reference concerning treatment of the person or animal for whom the prescription was written, and when said copy is given a notation shall be made upon the prescription that a copy has been given, the date given, and to whom given.~~

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.003(13), 465.022, 893.07(1)(b) FS. History—Amended 5-19-72, Repromulgated 12-18-74, Formerly 21S-1.18, 21S-1.018, 21S-27.103, 61F10-27.103, Amended 9-19-94, Formerly 59X-27.103, Amended 10-15-01, _____

64B16-27.104 Conduct Governing ~~Registered~~ Pharmacists and Pharmacy Permittees.

(1) through (4) No No change.

(5) Pursuant to Section 465.018, F.S., that requires that a permit for a community pharmacy may not be issued unless a licensed pharmacist is designated as the prescription department manager responsible for maintaining all drug records, providing for the security of the prescription department and following such other rules as relate to the practice of the profession of pPharmacy. It is the Board's position that in most cases a pharmacist cannot effectively carry out these statutory duties if he is responsible for more than one prescription department. Accordingly, the The Board shall not register a prescription department manager as the manager of more than one pharmacy. The Board may grant an exception to this requirement upon application by the permittee and the prescription department manager showing circumstances such as proximity of permits and limited pharmacist workload that would allow the manager to carry out all duties and responsibilities required of a prescription department manager requires that no pharmacist may be registered as the prescription department manager of more than one pharmacy; provided, however, that the Board on application by the permittee and prescription department manager showing circumstances such as proximity of permits and limited pharmacist's workload wherein a single pharmacist could effectively act as manager of more than one prescription department and carry out all his duties and responsibilities with regard to more than one prescription department, may grant an exception to this requirement.

Specific Authority 465.005, 465.0155, 465.018, 465.022 FS. Law Implemented 465.018, 465.022, 465.024 FS. History—New 10-20-81, Formerly 21S-1.20, 21S-1.020, Amended 7-30-91, Formerly 21S-27.104, 61F10-27.104, 59X-27.104, Amended

64B16-27.210 General Terms and Conditions to be Followed by a Pharmacist When Ordering and Dispensing Approved Medicinal Drug Products.

Pharmacists may order the medicinal drug products set forth in each rule subject to the following terms and limitations:

(1) through (6) No change.

(7) The pharmacist shall maintain patient profiles, separate from the prescription order, for all patients for whom the pharmacist orders and dispenses medicinal drug products and shall initial and date each profile entry. Such profiles shall be maintained at the pharmacy wherein the ordering and dispensing originated for a period of two (2) seven (7) years.

(8) through (10) No change.

(11) Pharmacy interns and technicians ~~supportive personnel~~ may not be involved in the ordering of the medicinal drugs permitted in this Rule.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21S-18.002, 21S-27.210, 61F10-27.210, 59X-27.210, Amended _____.

64B16-27.220 Medicinal Drugs That Which May be Ordered by Pharmacists.

A Pharmacist may order and dispense from the following formulary, subject to the stated conditions:

(1) through (3) No change.

(4) Anti-nausea preparations; Meclizine Medicine up to 25 mg., except for a patient currently using a central nervous system (CNS) depressant. The prescription shall be labeled to advise the patient of drowsiness and to caution against concomitant use with alcohol or other depressants. Scopolamine not exceeding 1.5 mg. per dermal patch. Patient to be warned “if eye pain develops, seek appropriate medical attention.”

(5) through (20) No change.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Amended 10-7-90, Formerly 21S-18.003, Amended 7-30-91, Formerly 21S-27.220, 61F10-27.220, Amended 3-12-97, Formerly 59X-27.220, Amended 6-15-98, 11-30-99, _____.

64B16-27.230 Fluoride Containing Products That May be Ordered by Pharmacists.

No change.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21S-18.004, 21S-27.230, 61F10-27.230, 59X-27.230, Amended 6-15-98.

64B16-27.300 Standards of Practice – Continuous Quality Improvement Program.

(1) through (2) No change.

(3)(a) Each pharmacy shall establish a Continuous Quality Improvement Program which program shall be described in the pharmacy’s policy and procedure manual and, at a minimum shall contain:

1. Provisions for a Continuous Quality Improvement Committee that may be comprised of staff members of the pharmacy, including pharmacists, pharmacy interns, pharmacy technicians, clerical staff, and other personnel deemed necessary by the prescription department manager or ~~of~~ the consultant pharmacist of record;

2. through 4. No change.

(b) through (c) No change.

(4) No change.

(5) Records maintained as a component of a pharmacy Continuous Quality Improvement Program are confidential under the provisions of Section 766.101, F.S. In order to determine compliance the Department may review the policy and procedures and a Summarization of Quality-Related Events. The summarization document shall analyze remedial measures undertaken following a Quality-Related Event. ~~At a minimum, the review shall consider the effects on quality of pharmacy systems due to staffing levels, workflow, and technological support.~~ No patient name or employee name shall be included in this summarization. The summarization shall be maintained for two years. Records are considered peer-review documents and are not subject to discovery in civil litigation or administrative actions.

Specific Authority 465.0155 FS. Law Implemented 465.0155 FS. History—New 7-15-99, Amended 1-2-02, 6-16-03, _____.

64B16-27.410 Pharmacy Technician 1:1 Ratio.

Pharmacy technicians may assist a ~~Florida licensed~~ pharmacist in performing professional services within a community pharmacy or institutional pharmacy environment provided that no ~~licensed~~ pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the Florida Board of Pharmacy. A pharmacist’s supervision of a pharmacy technician in a 1:1 ratio working environment requires that a pharmacy technician be under the direct and immediate personal supervision of a ~~Florida licensed~~ pharmacist. All pharmacy technicians shall identify themselves as pharmacy technicians by wearing a type of identification badge that is clearly visible which specifically identifies the employee by name and by status as a “pharmacy technician”, and in the context of telephone or other forms of communication, pharmacy technicians shall state their names and verbally identify themselves (or otherwise communicate their identities) as pharmacy technicians. Pursuant to the direction of the ~~licensed~~ pharmacist, pharmacy technicians may engage in the following functions to assist the ~~licensed~~ pharmacist:

(1) No change.

(2) ~~The Assist the pharmacist in the~~ preparation of the prescription. Such pharmacy technician functions include the typing of prescription labels on a typewriter or through entry into a computer system and the entry of prescription information or physicians’ orders into a computer system. The pharmacist, however, must complete the dispensing act and initial the prescription;

(3) ~~The Assist in the~~ preparation of products in a pharmacy where such products are not directly dispensed and administered to the patient and when done pursuant to appropriate procedures under the direct and immediate supervision of a pharmacist who shall conduct in-process and final checks;

(4) through (5) No change.

(6) ~~Initiate~~ Under the direction and supervision of a licensed pharmacist, ~~initiate~~ communication to a prescribing practitioner or their medical staff (or agents) to obtain clarification on missing or illegible dates, prescriber name, brand/generic preference, quantity or DEA and/or license numbers. Nothing in this rule shall be construed to allow a technician to obtain information ~~that which~~ will result in a change concerning a dosage or directions to the patient.

Specific Authority 465.005 FS. Law Implemented 465.014, 893.07(1)(b) FS. History—New 2-14-77, Amended 3-31-81, Formerly 21S-4.02, Amended 8-31-87, Formerly 21S-4.002, Amended 9-9-92, Formerly 21S-27.410, 61F10-27.410, Amended 1-30-96, Formerly 59X-27.410, Amended 2-23-98, 10-15-01, _____.

64B16-27.420 Pharmacy Technician 2:1 or 3:1 Ratio.

Pharmacy technicians may perform duties in addition to those identified in Rule 64B16-27.410, F.A.C., above, in a ratio of two or three pharmacy technicians to one pharmacist. The prescription department manager or consultant pharmacist is required to submit a request and receive approval from the Board of Pharmacy prior to practicing with either a 2:1 or a 3:1 ratio of supervision per location.

The following tasks may be performed with either a 2:1 or a 3:1 ratio:

(1) through (4) No change.

Specific Authority 465.005, 465.014 FS. Law Implemented 465.014 FS. History—New 8-31-87, Formerly 21S-4.0025, Amended 7-30-91, Formerly 21S-27.420, 61F10-27.420, 59X-27.420, Amended 2-23-98, _____.

64B16-27.530 Duty of Pharmacist to Inform Regarding Drug Substitution.

~~Prior to the delivery of the prescription, It is the finding of the Board of Pharmacy that a pharmacist must has the affirmative duty to~~ inform the person presenting a prescription of any substitution of a generic drug product for a brand name drug product, of any retail price difference between the two, and of the person’s right to refuse the substitution. ~~This It is further found that this~~ information must be communicated ~~to the person~~ at a meaningful time such as to allow ~~the person him~~ to make an informed choice as to whether ~~he wishes~~ to exercise ~~the his~~ option to refuse substitution without undue inconvenience to ~~the presenter of the prescription him~~ or to the consumer of the drug. This information shall be communicated to the person presenting the prescription in a manner determined to be appropriate by the pharmacist using ~~his~~ professional discretion and judgment. ~~The person presenting the prescription must be informed of his right to refuse substitution prior to delivery of the prescription product.~~

Specific Authority 465.005 FS. Law Implemented 465.025(3)(a) FS. History—New 11-10-80, Formerly 21S-5.04, 21S-5.004, 21S-27.530, 61F10-27.530, 59X-27.530, Amended _____.

64B16-27.615 Possession and Disposition of Sample Medicinal Drugs.

(1) Pharmacies may not be in possession of sample medicinal drugs except:

~~(a)(4)~~ Pharmacies may possess the sample medicinal drugs that are listed within Rule 64B16-27.220, F.A.C., Medicinal Drugs ~~That Which~~ May be Ordered by Pharmacists, ~~and~~

~~(b)(2)~~ Institutional pharmacies may possess sample medicinal drugs upon the written request of the prescribing practitioner. Such possession must be in accordance with the provisions of Section 499.028(3)(e)2., F.S., ~~and~~

~~(c)(3)~~ Those community pharmacies that are pharmacies of health care entities, as defined by Sections 499.003(3) and (14), F.S., may possess sample medicinal drugs upon the written request of the prescribing practitioner. Such possession must be in accordance with the provisions of Section 499.028(3)(e)2., F.S.

(2) Sample packages of medicinal drugs that are found to be unsuitable for dispensing by reason of physical condition or failure to meet requirements of state or federal law shall be returned to the company of origin in accordance with the requirements of Chapter 499, F.S.

Specific Authority 465.005, 465.022, 499.028 FS. Law Implemented 465.018, 465.019, 465.022, 465.186, 499.028 FS. History—New 11-4-93, Formerly 61F10-27.615, 59X-27.615, Amended _____.

64B16-27.700 Definition of Compounding.

“Compounding” is the professional act by a pharmacist or other practitioner authorized by law, employing the science or art of any branch of the profession of pharmacy, incorporating ingredients to create a finished product for dispensing to a patient or for administration by a practitioner or the practitioner’s his agent; and shall specifically include the professional act of preparing a unique finished product containing any ingredient or device defined by Sections 465.003(7) and (8), F.S. The term also includes the preparation of nuclear pharmaceuticals and diagnostic kits incident to use of such nuclear pharmaceuticals. The term “commercially available products,” as used in this section, means any medicinal product as defined by Sections 465.003(7) and (8), F.S., that are legally distributed in the State of Florida by a drug manufacturer or wholesaler.

(1) No change.

(2) The preparation of drugs or devices for sale or transfer to pharmacies, practitioners, or entities for purposes of dispensing or distribution is not compounding and is not within the practice of the profession of pharmacy. Except that the supply of patient specific compounded prescriptions to another pharmacy under the provisions of Section 465.0265, F.S., and Rule 64B16-28.450, F.A.C., is authorized.

Specific Authority 465.005 FS. Law Implemented 465.003(12), 465.0155, 465.0265 FS. History—New 10-1-92, Formerly 21S-27.700, 61F10-27.700, 59X-27.700, Amended 11-2-03, _____.

64B16-27.830 Standards of Practice – Drug Therapy Management.

(1) through (3) No change.

(4) A pharmacist may dispense a drug pursuant to a prescription where the practitioner indicates on the prescription “formulary compliance approval” either in the practitioner’s own handwriting or preprinted with a box where the practitioner indicates approval by checking the box when:

(a) The pharmacist receives a formulary change as a consequence of the patient’s third party plan or Medicaid.

(b) The product that the third party formulary designates as its preferred product is a therapeutic equivalent for the prescribed product. A therapeutic equivalent is a product that is in the same therapeutic class as the prescribed drug.

(c) The pharmacist, within 24 hours of the formulary compliance substitution, shall provide to the practitioner either in writing or by facsimile a statement indicating that the pharmacist engaged in formulary compliance and the therapeutic equivalent that the pharmacist dispensed.

(d) The pharmacist has complied with the requirements of Rule 64B16-27.530, F.A.C., with regard to notification to the patient.

The pharmacist may make adjustments in the quantity and directions to provide for an equivalent dose of the preferred formulary therapeutic alternative.

~~(5)~~(4) No change.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003(13), 465.0155, 465.022(1)(b) FS. History–New 4-4-00, Amended _____.

64B16-27.831 Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain.

~~(1) The Board of Pharmacy recognizes that principles of quality pharmacy practice dictate that the people of the State of Florida have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as reduce the morbidity and costs associated with untreated or inappropriately treated pain. The Board encourages pharmacies to view effective pain management as a part of quality pharmacy practice for all patients with pain, acute or chronic, and it is especially important for patients who experience pain as a result of terminal illness. All pharmacists should become knowledgeable about effective methods of pain treatment as well as statutory requirements for prescribing and dispensing controlled substances.~~

~~(2) Inadequate pain control may result from pharmacists’ lack of knowledge about pain management or an inadequate understanding of addiction. Fears of investigation or sanction by federal, state, and local regulatory agencies may also result in inappropriate or inadequate treatment of chronic pain patients. Pharmacists should not fear disciplinary action from the Board or other state regulatory or enforcement agencies for dispensing controlled substances for a legitimate medical~~

~~purpose. Accordingly, these guidelines have been developed to clarify the Board’s position on pain control, specifically as related to the use of controlled substances, to alleviate pharmacist uncertainty and to encourage better pain management.~~

~~(3) The Board of Pharmacy is obligated under the laws of the State of Florida to protect the public health and safety. The Board recognizes that inappropriate dispensing of controlled substances may lead to drug diversion and abuse by individuals who seek them for other than legitimate medical use. Pharmacists should be diligent in preventing the diversion of drugs for illegitimate purposes.~~

~~(1)(4) An order purporting to be a prescription that is not issued for a legitimate medical purpose not in the usual course of professional treatment nor in legitimate and authorized research is not a prescription and the pharmacist knowingly filling such a purported prescription shall be subject to penalties for violations of the law.~~

~~(2) The following criteria shall~~ should cause a pharmacist to question whether a prescription was issued for a legitimate medical purpose:

(1) through (5) renumbered (a) through (e) No change.

~~(3) If any of the these criteria in subsection (2) is met, the pharmacist shall:~~

~~(a) Require~~ should insist that the person to whom the medication is dispensed provide picture identification and the pharmacist should photocopy such picture identification for the pharmacist’s records. If a photocopier is not available, the pharmacist should document on the back of the prescription complete descriptive information from the picture identification. If the person to whom medication is dispensed has no picture identification, the pharmacist should confirm the person’s identity and document on the back of the prescription complete information on which the confirmation is based.

~~(b) Verify~~ The pharmacist should also verify the prescription with the prescriber. A pharmacist who believes a prescription for a controlled substance medication to be valid, but who has not been able to verify it with the prescriber, may determine not that he or she is unable to supply the full quantity and may dispense a partial supply, not to exceed a 72 hour supply. After verification by the prescriber, the pharmacist may dispense the balance of the prescription within a 72 hour time period following the initial partial filling, unless otherwise prohibited by law.

~~(4)~~(5) No change.

~~(5)~~(6) Any pharmacist who has reason to believes that a prescriber of controlled substances is involved in the diversion of controlled substances shall report such prescriber to the Department of Health.

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

Specific Authority 465.005, 465.0155 FS. Law Implemented 456.072(1)(i), 465.0155, 465.016(1)(i), (o), 465.017(2) FS. History–New 8-29-02, Amended 2-24-03, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Practice of Pharmacy	64B16-27.1001
Transmission of Prescription Orders	64B16-27.1003
Prescription Refills	64B16-27.211

PURPOSE AND EFFECT: The Board proposes new rules in order to consolidate all requirements relating to the practice of pharmacy into Chapter 64B16-27, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed new rules set forth the requirements of pharmacy practice reserved solely to the pharmacist, the requirements relating to modes of transmission for prescriptions, and the requirements for prescription refills.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.016(1), 465.022, 893.04 FS.

LAW IMPLEMENTED: 465.003(11)(b),(13), 465.014, 465.022, 465.026, 893.07 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.1001 Practice of Pharmacy.

Those functions within the definition of the practice of the profession of pharmacy, as defined by Section 465.003(13), Florida Statutes, are specifically reserved to a pharmacist or a duly registered pharmacy intern in this state acting under the direct and immediate personal supervision of a pharmacist. The following subjects come solely within the purview of the pharmacist.

(1) A pharmacist or pharmacy intern must:

- (a) Supervise and be responsible for the controlled substance inventory.
- (b) Receive verbal prescriptions from a practitioner.
- (c) Interpret and Identify prescription contents.
- (d) Engage in consultation with a practitioner regarding interpretation of the prescription and data in a patient profile.
- (e) Engage in professional communication with practitioners, nurses or other health professionals.
- (f) Advise or consult with a patient, both as to the prescription and the patient profile record.
- (g) Certify the finished prescription.

(2) When parenteral and bulk solutions of all sizes are prepared, regardless of the route of administration, the pharmacist must:

- (a) Interpret and identify all incoming orders.
- (b) Mix all extemporaneous compounding or be physically present and give direction to the pharmacy technician for reconstitution, for addition of additives, or for bulk compounding of the parenteral solution.

(c) Physically examine, certify to the accuracy of the final preparation, thereby assuming responsibility for the final preparation.

(d) Systemize all records and documentation of processing in such a manner that professional responsibility can be easily traced to a pharmacist.

(3) Only a pharmacist may make the final check of the completed prescription thereby assuming the complete responsibility for its preparation and accuracy.

(4) The pharmacist, as an integral aspect of dispensing, shall be directly and immediately available to the patient or the patient's agent for consultation and shall not dispense to a third party. No prescription shall be deemed to be properly dispensed unless the pharmacist is personally available.

(5) The pharmacist performing in this state any of the acts defined as "the practice of the profession of pharmacy" in Section 465.003(13), Florida Statutes, shall be actively licensed as a pharmacist in this state, regardless of whether the practice occurs in a permitted location (facility) or other location.

(6) A pharmacist may take a meal break, not to exceed 30 minutes in length, during which the pharmacy department of a permittee shall not be considered closed, under the following conditions:

(a) The pharmacist shall be considered present and on duty during any such meal break if a sign has been prominently posted in the pharmacy indicating the specific hours of the day during which meal breaks may be taken by the pharmacist and assuring patients that a pharmacist is available on the premises for consultation upon request during a meal break.

(b) The pharmacist shall be considered directly and immediately available to patients during such meal breaks if patients to whom medications are delivered during meal breaks are verbally informed that they may request that a pharmacist contact them at the pharmacist's earliest convenience after the meal break, and if a pharmacist is available on the premises during the meal break for consultation regarding emergency matters. Only prescriptions with final certification by the pharmacist may be delivered.

(c) The activities of pharmacy technicians during such a meal break shall be considered to be under the direct and immediate personal supervision of a pharmacist if the pharmacist is available on the premises during the meal break

to respond to questions by the technicians, and if at the end of the meal break the pharmacist certifies all prescriptions prepared by the pharmacy technicians during the meal break.

(7) The delegation of any duties, tasks or functions to interns and pharmacy technicians must be performed subject to a continuing review and ultimate supervision of the pharmacist who instigated the specific task, so that a continuity of supervised activity is present between one pharmacist and one pharmacy technician. In every pharmacy, the pharmacist shall retain the professional and personal responsibility for any delegated act performed by interns and pharmacy technicians in the licensee's employ or under the licensee's supervision.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003(11)(b), (13), 465.014, 465.026 FS. History—New _____.

64B16-27.1003 Transmission of Prescription Orders.

Prescriptions may be transmitted from prescriber to dispenser in written form or by any means of communication. Prescriptions may be transmitted by facsimile systems as provided in Section 465.035, Florida Statutes, and federal law. Any direct transmission of prescriptions, including verbal, facsimile, telephonic or electronic data transmission, shall only be with the approval of the patient or patient's agent. The pharmacist receiving any such transmitted prescription shall not participate in any system that the pharmacist knows or should have reason to know restricts the patient's choice of pharmacy. The pharmacist shall take such measures necessary to ensure the validity of all prescriptions received.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.026, 893.07 FS. History—New _____.

64B16-27.211 Prescription Refills

No prescription may be filled or refilled in excess of one (1) year from the date of the original prescription was written. No prescription for a controlled substance listed in Schedule II may be refilled. No prescription for a controlled substance listed in Schedules III, IV, or V may be filled or refilled more than five (5) times within a period of six (6) months after the date on which the prescription was written.

Specific Authority 465.005, 465.016(1), 465.022(1)(a), 893.04 FS. Law Implemented 465.022 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE CHAPTER TITLE: RULE CHAPTER NO.:
General Requirements – Permits 64B16-28

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine whether any amendments are necessary or if any new rules should be promulgated.

SUBJECT AREA TO BE ADDRESSED: General Requirements – Permits.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(1), 465.186 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Emergency Medical Services	64E-2
RULE TITLES:	RULE NOS.:
Definitions	64E-2.001
Prehospital Requirements for Trauma Care	64E-2.015
Trauma Transport Protocols Approval and Denial Process	64E-2.016
Trauma Registry	64E-2.018
Trauma Agency Formation Requirements	64E-2.019
Trauma Agency Implementation and Operation Requirements	64E-2.021
Apportionment of Trauma Centers within a Trauma Service Area (TSA)	64E-2.022
Trauma Center Requirements	64E-2.023
Process for the Approval of Trauma Centers	64E-2.024
Extension of Application Period	64E-2.025
Certificate of Approval	64E-2.026
Process for Renewal of Trauma Centers	64E-2.027
Site Visits and Approval	64E-2.028
Application by Hospital Denied Approval Do Not Resuscitate Order (DNRO) Form and Patient Identification Device	64E-2.029
	64E-2.031

PURPOSE AND EFFECT: This rule is going to be amended to reflect the provisions of Senate Bill 1762 which eliminates obsolete language and brings Chapter 395, Part II, F.S., up to current national standards. The rule also implements the procedures and processes for notification, duration and explanation of the termination of trauma services. The rule will also be amended to reflect the accurate date on the current Do Not Resuscitate Order Form.

SUBJECT AREA TO BE ADDRESSED: Termination of trauma services; Department of Health Trauma Transport Protocols Manual; Department of Health Pamphlet 150-9, December 2004, Trauma Center Standards; Level I Trauma Center Application Manual, December 2004; Level II Trauma Center Application Manual, December 2004; Pediatric Trauma

Center Application Manual, December 2004; Florida Trauma Registry Manual, December 2004; Do Not Resuscitate Order Form.

SPECIFIC AUTHORITY 381.0011, 395.4025, 395.405, 401.35, 401.45(3) FS.

LAW IMPLEMENTED: 381.0205, 395.401, 395.4015, 395.4002, 395.4025, 395.404, 395.4045, 395.405, 395.103, 401.30, 401.35, 401.45, 765.401 FS.

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

TIME AND DATE: 2:00 p.m. (EST), November 8, 2004

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida

TIME AND DATE: 10:00 a.m. (EST), November 10, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bernadette Behmke, Operations Management Consultant II, Emergency Medical Operations, Office of Trauma, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4444, Ext. 2756, Fax (850)488-2512, e-mail: Bernadette_Behmke@doh.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.001 Definitions.

In addition to the definitions provided in Sections 395.401, 401.107, and 401.23, F.S., the following definitions apply to these rules:

(1) Abbreviated Injury Score (AIS-90) – means a consensus derived, anatomically based system that classifies individual injuries by body region on a 6-point ordinal severity scale ranging from 1 to 6. The methodology for determining AIS-90 Code is found in the “Abbreviated Injury Scale 1990 – Update 98.” ~~Revision,~~ which is incorporated by reference and is available from the Association for the Advancement of Automotive Medicine, P. O. Box 4176, Barrington, IL 60011-4176, or www.aaam.org, 2340 Des Plaines River Road, Des Plaines, IL 60018 at a cost of \$40.00.

(2) through (9) No change.

(10) Injury Severity Score (ISS) – means the sum of the squares of the highest AIS-90 code in each of the three most severely injured body regions. The method of computing ISS is found in the “Abbreviated Injury Scale 1990 – Update 98.” ~~Revisions.~~

(11) through (16) No change.

(17) Provisional trauma center ~~State-Approved Pediatric Trauma Referral Center (SAPTRC)~~ means a hospital licensed under Chapter 395, F.S., which submits an application indicating that the hospital meets the trauma center

requirements provided in DHP 150-9 and is approved by the department to provide ~~pediatric~~ trauma care services until approval or denial as a trauma center ~~SAPTRC~~.

~~(18) Provisional State-Approved Trauma Center (SATC) – means a hospital licensed under Chapter 395, F.S., which submits an application indicating that the hospital meets the requirements provided in DHP 150-9 and is approved by the department to provide trauma care services until approval or denial as a SATC.~~

~~(18)(19)~~ Training Program – means an educational institution having one designated program director, one designated medical director, and single budget entity; for the purposes of providing EMT or paramedic education programs, as approved by the department.

~~(19)(20)~~ Trauma – means a blunt, penetrating or burn injury caused by external force or violence.

~~(20)(21)~~ Trauma Alert – means a notification initiated by EMS informing a hospital that they are en route with a patient meeting the trauma alert criteria.

~~(21)(22)~~ Trauma Alert Patient – means a person whose primary physical injury is a blunt, penetrating or burn injury, and who meets one or more of the adult trauma scorecard criteria in Rule 64E-2.017, F.A.C., or the pediatric trauma scorecard criteria in Rule 64E-2.0175, F.A.C.

~~(22)(23)~~ Trauma Patient – means any person who has incurred a physical injury or wound caused by trauma and who has accessed an emergency medical services system.

~~(23)(24)~~ Trauma Registry – means a statewide database which integrates medical and system information related to trauma patient diagnosis and the provision of trauma care by prehospital, hospital, ~~SATC, SAPTRC, providers~~ and medical examiners.

~~(24)(25)~~ Trauma Transport Protocols (TTPS) – means a document which describes the policies, processes and procedures governing the dispatch of vehicles, and the triage and transport of trauma patients.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, Formerly 10D-66.485, Amended 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, _____.

64E-2.015 Prehospital Requirements for Trauma Care.

(1) No change.

(2) Each EMS provider shall transport, or cause to be transported, every trauma alert patient to a trauma center ~~SATC or SAPTRC~~ nearest to the location of the incident, unless the distance is not relevant to the length of time for transport due to the use of an air ambulance. Pediatric trauma alert patients shall be transported to the nearest trauma center ~~SAPTRC or SATC~~ with pediatric ~~SAPTRC~~ services even if a trauma center ~~SATC~~ without pediatric ~~SAPTRC~~ services is nearer to the location of the incident, except as provided in

department-approved TTPs. If a trauma center SATC or SAPTRC further from the location of the incident has a special resource(s) that the nearest trauma center SATC or SAPTRC does not have, such as burn center or hyper baric chamber, which is needed for the immediate condition of the trauma alert patient, the EMS provider may transport to the trauma center SATC or SAPTRC having that special resource(s) even if the trauma center SATC or SAPTRC is not nearest to the incident. These exceptions to transporting to the nearest trauma center SATC or SAPTRC, or other exceptions the EMS provider wishes to request, shall be addressed in the EMS provider's TTPs which shall be submitted to the department for approval, in accordance with Section 395.4045, F.S. and Rule 64E-2.016, F.A.C.

(3) A trauma alert patient may be transported to a hospital other than a trauma center SATC or SAPTRC only if the hospital is closer to the scene of the incident, and the patient's immediate condition is such that the patient's life will be endangered if care is delayed by proceeding directly to the trauma center SATC or SAPTRC. If an EMS provider intends to transport trauma alert patients to hospitals other than trauma centers SATCs or SAPTRCs under any other circumstances, those circumstances must be described in and authorized by the EMS provider's department-approved TTPs, as required in this section.

(a) An EMS provider must transport a trauma alert patient to a trauma center SATC or SAPTRC, except as may be provided in the EMS provider's department-approved TTPs. For situations for which the EMS provider intends to transport a trauma alert patient to a hospital other than trauma center SATC or SAPTRC, as indicated in the provider's or trauma agency's department-approved TTPs, the EMS provider or trauma agency shall ensure beforehand that the hospital meets the following criteria:

1. through 3. No change.

4. Has equipment and staff on call and available to initiate definitive care required by a trauma alert patient within 30 minutes of the patient's arrival at the hospital, or can initiate procedures within 30 minutes of the patients arrival to transfer the trauma alert patient to a trauma center SATC or SAPTRC; and

5. Has a written transfer agreement with at least one trauma center SATC or SAPTRC. The transfer agreement shall provide specific procedures to ensure the timely transfer of the trauma alert patient to the trauma center SATC or SAPTRC.

(b) No change.

(c) Prior to submitting an application for an ALS, BLS or air ambulance license, or to renew such a license, each EMS provider shall request in writing, from the chief executive officer of each hospital (excluding trauma centers) SATCs and SAPTRCs) to which the EMS provider intends to transport trauma alert patient's, written documentation that verifies that the hospital meets the requirements provided in paragraph

(3)(a) of this section. When submitting TTPs for department approval, EMS providers shall include copies of each letter sent to the chief executive officer of such hospital as well as the response, if any, from the chief executive officer indicating whether the hospital complies with paragraph (3)(a) of this section.

(d) through (f) No change.

(g) If a hospital to which an EMS provider transports trauma alert patients, as provided in the EMS provider's or trauma agency department-approved TTPs, becomes a trauma center SATC or SAPTRC, including those granted provisional status by the department, the EMS provider shall begin immediately transporting trauma alert patients to that trauma center SATC or SAPTRC. The EMS provider or trauma agency shall revise and submit TTPs to the department for approval within 30 days of the hospital becoming a trauma center SATC or SAPTRC. Within 30 days of an EMS provider or a trauma agency receiving notification that a trauma center SATC or SAPTRC intends to discontinue as a trauma center SATC or SAPTRC, the EMS provider or trauma agency shall submit revised TTPs to the department for approval, in accordance with Rule 64E-2.016, F.A.C.

(4) No change.

(5) The EMS provider responsible for the patient shall ensure that a prehospital trauma alert is issued upon determining that a trauma patient meets the requirements of Rules 64E-2.017, and 64E-2.0175, F.A.C. The words "trauma alert" shall be used when notifying the trauma center SATC, or SAPTRC, or hospital that EMS is en route with a trauma alert patient. The medical director of the EMS provider issuing the trauma alert, or the physician at the receiving trauma center SATC, SAPTRC, or hospital, are the only people authorized to change the trauma alert status. The EMS provider issuing the trauma alert shall also provide the trauma center SATC, or SAPTRC, or hospital with information required under subsection 64E-2.013(5), F.A.C., and the information listed below at the time the patient is transferred to the personnel of the receiving trauma center SATC, or SAPTRC, or hospital:

(a) through (h) No change.

The information listed above shall be documented on the patient care record of the transporting unit that delivered the patient in accordance with the requirements of Rule 64E-2.013, F.A.C.

(6) Each EMS provider or trauma agency shall submit to the department TTPs for approval as required by the Trauma Transport Protocols Manual, December 2004, July 2002, which is incorporated by reference and available from the department.

Specific Authority 395.4045, 395.405, 401.35 FS. Law Implemented 395.401-403, 395.404-405, 395.4045, 401.30, 401.35 FS. History--New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.100, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, 11-24-02, _____.

64E-2.016 Trauma Transport Protocols Approval and Denial Process.

TTPs shall be approved by the EMS provider's or trauma agency's medical director prior to submission to the department for approval and in accordance with the Trauma Transport Protocols Manual, December 2004 ~~July 2002~~, which is incorporated in Rule 64E-2.015, F.A.C.

Specific Authority 395.405, 401.35 FS. Law Implemented 395.4045, 395.4045, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, Formerly 10D-66.101, Amended 11-24-02, _____.

64E-2.018 Trauma Registry.

Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual, December 2004, ~~February 2002~~, which is incorporated by reference and available from the department.

Specific Authority 395.405, 401.35 FS. Law Implemented 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.013, Amended 7-14-99, 11-19-01, 6-3-02, _____.

64E-2.019 Trauma Agency Formation Requirements.

(1) through (2)(c)4. No change.

(d) Trauma System Structure.

1. Describe the operational functions of the system; the components of the system; the integration of the components and operational functions; and the coordination and integration of the activities and responsibilities of trauma centers SATCs, ~~SAPTRCs~~, hospitals, and prehospital EMS providers; and

2. Include a list of all participating and non-participating trauma care resources within the defined geographical area of the proposed trauma agency and documentation showing that these entities have been given the opportunity to participate in the system. Trauma care resources shall include, but are not limited to, hospitals, trauma centers SATCs, ~~SAPTRCs~~, prehospital providers, training centers, and planning entities; and

3. Include the proposed trauma agency's recommendation and justification for the number and location of trauma centers SATCs, ~~SAPTRCs~~, required to serve its defined geographical area.

(e) through (p) No change.

Specific Authority 395.401, 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.405, 401.35 FS. History—New 8-3-88, Amended 12-10-92, Formerly 10D-66.104, Amended 11-24-02, _____.

64E-2.021 Trauma Agency Implementation and Operation Requirements.

(1) through (2) No change.

(a) Conduct reviews of trauma center SATC and ~~SAPTRC~~ applications from any hospital within the defined geographic area of the trauma agency. Submission of a trauma center's ~~an SATC and SAPTRC~~ application to the trauma agency by a hospital seeking approval shall be in accordance with the time frames described in paragraph 64E-2.024(1)(c), F.A.C. Results

of the trauma agency's review shall be submitted to the department no later than April 7 of each year, in order to be considered by the department.

(b) No change.

1. Results of monitoring each EMS provider, trauma center SATC, ~~SAPTRC~~ and hospital within the defined geographic area of the trauma agency for compliance with trauma scorecard methodology requirements as provided in Rules 64E-2.017 and 64E-2.0175, F.A.C.

2. Results of monitoring each EMS provider, trauma center SATC, ~~SAPTRC~~ and hospital within the defined geographic area of the trauma agency for compliance with TTP requirements as provided in Rule 64E-2.015, F.A.C.

3. through 4. No change.

5. Documentation that all ~~state approved~~ trauma centers in the geographic area of the trauma agency participate in quality improvement process.

6. No change.

(3) No change.

Specific Authority 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.405, 401.35 FS. History—New 12-10-92, Formerly 10D-66.1065, Amended 8-4-98, 11-19-01, 11-24-02, _____.

64E-2.022 Apportionment of Trauma Centers State Approved (SATC) or ~~State Approved Pediatric Trauma Referral Centers (SAPTRC)~~ within a Trauma Service Area (TSA).

(1) No change.

(2) The number of trauma centers SATCs or ~~SAPTRCs~~ in each TSA shall be in accordance with the minimum number set forth in the table below, ~~which is replicated from table 3.3 in "A Report and Proposal for Funding State Sponsored Trauma Centers," February 1990, except as provided in this section.~~ Each trauma service area shall have at least one Level I or Level II trauma center SATC position.

(3) The number of trauma center SATC or ~~SAPTRC~~ positions for each TSA is as follows:

TSA Counties Trauma Centers SATC or ~~SAPTRC~~

1. through 19. No change.

(4) The single trauma center not designated by the table above shall be assigned at the discretion of the department. ~~Any TSA which did not have a hospital approved by the department as a Provisional SATC or Provisional SAPTRC by May 1, 1991, will have its assigned number of positions reduced by one on that date. TSAs that have only one available position are not affected. The additional position(s) will be reserved and assigned at the discretion of the department. Due to an error in addition, the single trauma center not designated by the table contained in "A Report and Proposal for Funding State Sponsored Trauma Centers", February 90, shall be assigned at the discretion of the department.~~

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.405 FS. History—New 12-10-92, Formerly 10D-66.1075, Amended _____.

64E-2.023 Trauma Center SATC and SAPTRC Requirements.

(1) The standards for Level I and Level II trauma centers SATCs, and SAPTRCs, are published in DH Pamphlet (DHP) 150-9, December 2004, February 2002, State Approved Trauma Center and State Approved Pediatric Trauma Referral Center Approval Standards, which is incorporated by reference and available from the department. Trauma centers must be in full compliance with these standards by July 1, 2000.

(2) To be a Level I trauma center SATC, a hospital shall be a state licensed general hospital and shall:

(a) Meet and maintain after receiving provisional status and during the 7 year state-approval period the standards for a Level I trauma center SATC, and the standards for a SAPTRC as provided in DHP 150-9, December 2004, February 2002;

(b) No change.

(c) Meet and maintain after receiving provisional status and during the 7 year state-approval period the requirements provided in Rule 64E-2.018, F.A.C., regarding the collecting and reporting of trauma registry data; and

(d) Maintain and update at least annually an in-hospital copy of the application that was approved by the department as described in Rule 64E-2.024, F.A.C., so that the application reflects current and accurate information. Documentation used by the trauma center SATC or SAPTRC to update the application, but maintained elsewhere between annual application updates shall be immediately available for department review at any time. The application shall be maintained and updated after receiving provisional status and during the 7 year state-approval period, and organized in the same manner as was required at the time of application.

(3) To be a Level II trauma center SATC, a hospital shall:

(a) Meet and maintain after receiving provisional status and during the 7 year state-approval period the standards for a Level II trauma center SATC, as provided in DHP 150-9, December 2004 February 2002.

(b) No change.

(c) Meet and maintain after receiving provisional status and during the 7 year state approval period the requirements provided in Rule 64E-2.018, F.A.C., regarding the collecting and reporting of trauma registry data; and

(d) Maintain and update at least annually an in-hospital copy of the application that was approved by the department as described in Rule 64E-2.024, F.A.C., so that the application reflects current and accurate information. The application shall be maintained and updated after receiving provisional status and during the 7 year state approval period, and organized in the same manner as was required at the time of application.

(4) To be a pediatric trauma center SAPTRC, a hospital shall:

(a) Meet and maintain after receiving provisional status and during the 7 year state-approval period the standards for a pediatric trauma center SAPTRC, as provided in DHP 150-9, December 2004 February 2002.

(b) No change.

(c) Meet and maintain after receiving provisional status and during the 7 year state approval period the requirements provided in Rule 64E-2.018, F.A.C., regarding the collecting and reporting of trauma registry data; and

(d) Maintain and update at least annually an in-hospital copy of the application that was approved by the department as described in Rule 64E-2.024, F.A.C., so that the application reflects current and accurate information. Documentation used by the trauma center SATC and SAPTRC to update the application, but maintained elsewhere between annual application updates shall be immediately available for department review at any time. The application shall be maintained and updated after receiving provisional status and during the 7 year state-approval period, and organized in the same manner as was required at the time of application.

(5) The standards published in DHP 150-9, December 2004, February 2002, are subject to revision at any time through rule promulgation. Any hospital that has been granted Provisional trauma center SATC or Provisional SAPTRC status or has been granted a 7 year Certificate of State Approval as a trauma center SATC or SAPTRC shall comply with all revisions to the standards published in DHP 150-9, beginning on the date the amended rule becomes effective.

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.108, Amended 8-4-98, 2-20-00, 6-3-02, _____.

64E-2.024 Process for the Approval of Trauma Centers SATCs and SAPTRCs.

(1) Beginning September 1, 1990, and annually thereafter, the department shall approve trauma centers SATCs and SAPTRCs in accordance with the schedule shown in Table VII; (Unless stated otherwise all dates given by calendar month and day refer to that date each year.)

(a) The department shall accept a letter of intent, DH Form 1840, December 2004, January 2000, “State Approved Trauma Center Letter of Intent”, which is incorporated by reference and available from the department, postmarked no earlier than September 1 and no later than midnight, October 1, from any acute care general or pediatric hospital. The letter of intent is non-binding, but preserves the hospital’s right to submit an application by the required due date if an available position, as provided in Rule 64E-2.022, F.A.C., exists in the hospital’s TSA. If the hospital does not submit an application by April 1 of the following year, the hospital’s letter of intent is void;

(b) By October 15, the department shall send to those hospitals submitting a letter of intent an application package which will include, as a minimum, instructions for submitting

information to the department for selection as a trauma center SATC or SAPTRC, DHP 150-9, December 2004, Trauma Center Standards, February 2002, State-Approved Trauma Center and State-Approved Pediatric Trauma Referral Center Approval Standards, which is incorporated by reference in Rule 64E-2.023, F.A.C., and the requested application(s);

(c) No later than April 1 of the calendar year following the submission of a letter of intent, a hospital seeking approval as a trauma center SATC or SAPTRC shall submit to the department an original and 3 copies of the respective application as indicated below. Each hospital in a TSA with a department-approved local or regional trauma agency shall, at the time a trauma center SATC or SAPTRC application is submitted to the department, submit a duplicate of the application to the trauma agency for review. Recommendations from the trauma agency shall be submitted to the department no later than April 7, as provided in Rule 64E-2.021, F.A.C.

1. To apply for approval as a Level I State-Approved Trauma Center, applicants must submit all forms contained in the Level I State-Approved Trauma Center Application Manual, December 2004, January 2000. The manual and the forms contained therein are incorporated by reference and available from the department. The manual contains the following forms: DH Form 2032, December 2004, January 2000; General Information for Level I State-Approved Trauma Center Application; DH Form 2032-A, December 2004, January 2000; Level I Trauma Center Approval Standards Summary Chart; DH Form 2032-B, December 2004, January 2000; Application for Level I State-Approved Trauma Center Approval Letter of Certification; DH Form 2032-C, December 2004, January 2000; Level I State-Approved Trauma Center Surgical Specialties Certifications; DH Form 2032-D, December 2004, January 2000; Level I State-Approved Trauma Center Non-Surgical Specialties Certifications; DH Form 2032-E, December 2004, January 2000; Level I State-Approved Trauma Center General Surgeons Commitment Statement; DH Form 2032-F, December 2004, January 2000; Level I State-Approved Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 2032-G, December 2004, January 2000; Neurosurgeons Available for Trauma Surgical Call; DH Form 2032-H, December 2004, January 2000; Level I State-Approved Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 2032-I, December 2004, January 2000; Level I State-Approved Trauma Center Surgical Specialists On Call and Promptly Available; DH Form 2032-J, December 2004, January 2000; Level I State-Approved Trauma Center Emergency Department Physicians; DH Form 2032-K, December 2004, January 2000; Level I State-Approved Trauma Center Anesthesiologists Available for Trauma Call; DH Form 2032-L, December 2004, January 2000; Level I State-Approved Trauma Center C.R.N.A.s Available for

Trauma Call; and DH Form 2032-M, December 2004, January 2000; Level I State-Approved Trauma Center Non-Surgical Specialists On Call and Promptly Available.

2. To apply for approval as a Level II State-Approved Trauma Center, applicants must submit all forms contained in the Level II State-Approved Trauma Center Application Manual, December 2004, January 2000. The manual and the forms contained therein are incorporated by reference and available from the department. The manual contains the following forms: DH Form 2043, December 2004, January 2000; General Information for Level II State-Approved Trauma Center Application; DH Form 2043-A, December 2004, January 2000; Level II Trauma Center Approval Standards Summary Chart; DH Form 2043-B, December 2004, January 2000; Application for Level II State-Approved Trauma Center Approval Letter of Certification; DH Form 2043-C, December 2004, January 2000; Level II State-Approved Trauma Center Surgical Specialties Certifications; DH Form 2043-D, December 2004, January 2000; Level II State-Approved Trauma Center Non-Surgical Specialties Certifications; DH Form 2043-E, December 2004, January 2000; Level II State-Approved Trauma Center General Surgeons Commitment Statement; DH Form 2043-F, December 2004, January 2000; Level II State-Approved Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 2043-G, December 2004, January 2000; Level II State-Approved Trauma Center Neurosurgeons Available for Trauma Surgical Call; DH Form 2043-H, December 2004, January 2000; Level II State-Approved Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 2043-I, December 2004, January 2000; Level II State-Approved Trauma Center Surgical Specialists On Call and Promptly Available; DH Form 2043-J, December 2004, January 2000; Level II State-Approved Trauma Center Emergency Department Physicians; DH Form 2043-K, December 2004, January 2000; Level II State-Approved Trauma Center Anesthesiologists Available for Trauma Call; DH Form 2043-L, December 2004, January 2000; Level II State-Approved Trauma Center C.R.N.A.s Available for Trauma Call; and DH Form 2043-M, December 2004, January 2000; Level II State-Approved Trauma Center Non-Surgical Specialists On Call and Promptly Available.

3. To apply for approval as a State-Approved Pediatric Trauma Referral Center, applicants must submit all forms contained in the State-Approved Pediatric Trauma Referral Center Application Manual, December 2004, January 2000. The manual and the forms contained therein are incorporated by reference and available from the department. The manual contains the following forms: DH Form 1721, December 2004, January 2000; General Information for State-Approved Pediatric Trauma Referral Center Application; DH Form 1721-A, December 2004, January 2000; Pediatric Trauma Referral Center Approval Standards Summary Chart; DH

Form 1721-B, ~~December 2004, January 2000~~; Application for ~~State-Approved Pediatric Trauma Referral Center Letter of Certification~~; DH Form 1721-C, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center Surgical Specialties Certifications~~; DH Form 1721-D, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center Non-Surgical Specialties Certifications~~; DH Form 1721-E, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center General Surgeons Commitment Statement~~; DH Form 1721-F, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center General Surgeons Available for Trauma Surgical Call~~; DH Form 1721-G, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center Neurosurgeons Available for Trauma Surgical Call~~; DH Form 1721-H, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements~~; DH Form 1721-I, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center Surgical Specialists On Call and Promptly Available~~; DH Form 1721-J, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center Emergency Department Physicians~~; DH Form 1721-K, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center Anesthesiologists Available for Trauma Call~~; DH Form 1721-L, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center C.R.N.A.s Available for Trauma Call~~; and DH Form 1721-M, ~~December 2004, January 2000~~; ~~State-Approved Pediatric Trauma Referral Center Non-Surgical Specialists On Call and Promptly Available~~.

(d) After considering the results of the local or regional trauma agency's recommendations, the department shall, by April 15, conduct a provisional review to determine completeness of the application and the hospital's compliance with the standards of critical elements for provisional status. The standards of critical elements for provisional review for Level I and Level II trauma center SATC applications are specified in DHP 150-9, ~~December 2004, February 2002~~; as follows:

Level I
 STANDARD through Level II STANDARD No change.
Pediatric SAPTRC
 STANDARD I through XVIII No change.

(e) through (f) No change.

(g) The department shall send written notification to each applicant on or before May 1:

1. The department shall notify each hospital whose application it has found acceptable upon completion of the provisional review that the hospital shall operate as a Provisional trauma center SATC or ~~Provisional SAPTRC~~ beginning May 1;

2. No change.

(h) The department shall, between May 1 and June 30, complete an in-depth review of all sections of the Provisional trauma center's SATC's or ~~Provisional SAPTRC's~~ application. The department shall notify the hospital of any omissions, deficiencies, or problems and request additional information to be submitted by the hospital.

(i) To have additional information considered during the department's in-depth review of the application, the Provisional trauma center SATC or ~~Provisional SAPTRC~~ shall submit the requested additional information to the department no later than September 1.

(j) By September 30, the department shall determine whether the omissions, deficiencies, or problems have been corrected. The department shall notify each Provisional trauma center SATC or ~~Provisional SAPTRC~~ on or before October 1 of any omissions, deficiencies, or problems that were not resolved by submission of the requested additional information.

(k) Provisional trauma centers SATCs and ~~Provisional SAPTRCs~~ are subject to a site visit from October 1 to May 30. Any Provisional trauma center SATC or ~~Provisional SAPTRC~~ that was notified by the department on or before October 1 at the conclusion of the in-depth review that omissions, deficiencies, or problems were not resolved shall be given 30 calendar days from the department's notification following the completion of the site visit to provide additional information, as discussed in Rule 64E-2.028, F.A.C.

(l) The department shall deny the application of any Provisional trauma center SATC or ~~Provisional SAPTRC~~ that has not corrected the omissions, deficiencies, or problems noted from the in-depth review within 30 calendar days from the department's notification following the completion of the site visit, as provided in Rule 64E-2.028, F.A.C., regardless of the findings of the out-of-state review team regarding the quality of trauma patient care and trauma patient management provided by the Provisional trauma center SATC or ~~Provisional SAPTRC~~.

(m) By July 1, the department shall approve or deny trauma centers SATCs and ~~SAPTRCs~~ based upon the recommendations of the out-of-state review team, the result of the in-depth review and, if necessary, upon application of the additional criteria in subsection 64E-2.028(10), F.A.C.:

1. The department shall issue the certificate of ~~state approval~~ to the hospital upon approval as a trauma center SATC or ~~SAPTRC~~;

2. The department shall issue a letter of denial to each hospital not approved as a trauma center SATC or ~~SAPTRC~~, specifying the basis for denial and informing the hospital of the next available approval cycle, and the hospital's right to an administrative hearing pursuant to Sections 120.57 and 395.4025, F.S.

(2) Each hospital denied provisional status or not approved as a trauma center SATC or SAPTRC, may, within 30 days of receipt of the denial notice, request a hearing in which to contest the findings of the department.

(3) The department may deny, suspend, or revoke the approval of any Provisional trauma center SATC, Provisional SAPTRC, SATC, or SAPTRC which misrepresents a material fact in its application for trauma center approval, including the site survey process.

(4) In the event a trauma center terminates its trauma services, it shall notify the department via a letter signed by its CEO or designee. The letter shall be addressed to the Division Director, Division of Emergency Medical Operations, and shall reference and comply with Section 395.4025(8), F.S. The termination will be effective 6 months from receipt of the letter by the department. Upon termination, the hospital shall cease operating or holding itself out as a trauma center.

Specific Authority 395.405 FS. Law Implemented 395.1031, 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.109, Amended 8-4-98, 2-20-00, 6-3-02.

64E-2.025 Extension of Application Period.

(1) Any hospital may request that the department grant up to 18 months additional time to complete its application to become a trauma center SATC or SAPTRC if the hospital determines prior to submitting an application that the hospital cannot meet all of the standards of critical elements as provided in paragraph 64E-2.024(1)(d), F.A.C. The standards of critical elements provided in paragraph 64E-2.024(1)(d), F.A.C., are the only standards for which an extension shall be considered. The request for extension must also comply with the requirements provided in this section.

(2) To be considered for an extension, a hospital must submit an application in accordance with the requirements in Rule 64E-2.024, F.A.C., together with a request for extension. The request for extension must contain the following:

(a) No change.

(b) A reference to each standard, or specific part of a standard, in DHP 150-9, December 2004, Trauma Center Standards, February 2002, State Approved Trauma Center and State Approved Pediatric Trauma Referral Center Approval Standards which is incorporated by reference in Rule 64E-2.023, F.A.C., that the hospital is unable to meet;

(c) through (6) No change.

(7) The department shall make a final determination on whether to approve or deny a hospital's extension request only after the provisional review of all other trauma center SATC or SAPTRC applications in the hospital's TSA are completed, and it has been determined that the number of trauma centers and Provisional trauma centers, SATCs, SAPTRCs, Provisional SATCs and Provisional SAPTRCs in the hospital's TSA is less than the allocated number of positions available for that TSA.

(8) No change.

(9) The hospital may modify any date for completion of a major activity in the department-approved action plan discussed in (d) of this section without prior department approval. When any date for completion of a major activity is modified by the hospital, the hospital must provide an updated action plan to the department. The hospital must complete all major activities within the extension period granted by the department. The department will not begin the provisional review of the hospital's application for approval as a trauma center SATC or SAPTRC at the end of the extension period, or earlier at the request of the hospital, unless the hospital can substantiate completion of all major activities in the action plan. The department may conduct a site visit to determine the hospital's compliance with the approved action plan.

(10) The department shall begin a provisional review of the hospital's trauma center SATC or SAPTRC application on the date the hospital specified in the extension request, as approved by the department. The hospital may request that the department begin the provisional review earlier than the date specified in the extension request if the hospital completes all action steps before the expiration of the approved extension period. The department's provisional review of the hospital's application shall be conducted in accordance with the timeframes for processing the application provided in Rule 64E-2.024, F.A.C., but will not coincide with the dates provided in that section.

(11) The hospital shall ensure that the trauma center's SATC or SAPTRC application provided at the time the hospital submitted the extension request is current on the date the department begins the provisional review.

(12) A hospital receiving an extension greater than 12 months shall have its extension terminated if the number of trauma centers or provisional trauma centers SATCs, SAPTRCs, Provisional SATCs or Provisional SAPTRCs in the hospital's TSA equals the number of available positions allocated to the TSA, resulting in the denial of its application and the department will inform the applicant of its right to a Section 120.57, F.S., hearing regarding this denial.

(13) The department shall complete an in-depth review of the application of each hospital that received an extension and became a Provisional trauma center SATC or Provisional SAPTRC within 90 days of the hospital receiving provisional status according to the following schedule:

(a) The department shall review the application and inform the Provisional trauma center SATC or Provisional SAPTRC of any omissions, deficiencies, or problems within 30 days of the date the department begins the in-depth review;

(b) The Provisional trauma center SATC or Provisional SAPTRC may provide additional information in response to the department's notice of omissions, deficiencies, or problems within 30 days of receipt of the department's notification. If the Provisional trauma center SATC or Provisional SAPTRC does not provide additional information within 30 days, the

department shall inform the Provisional ~~trauma center SATC or Provisional SAPTRC~~ of any omissions, deficiencies, or problems that were not corrected at the conclusion of the in-depth review.

(c) If the Provisional ~~trauma center SATC or Provisional SAPTRC~~ submits additional information, the department shall review the additional information and inform the Provisional ~~trauma center SATC or Provisional SAPTRC~~ of any remaining omissions, deficiencies, or problems that were not corrected at the conclusion of the in-depth review.

(14) A hospital approved by the department as a Provisional ~~trauma center SATC or Provisional SAPTRC~~ following an approved extension period, shall receive a site visit during the next scheduled site visit phase. The hospital shall operate as a Provisional ~~trauma center SATC or Provisional SAPTRC~~ no less than 6 consecutive months prior to the site visit.

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 12-10-92, 12-10-95, Formerly 10D-66.1095, Amended 8-4-98, 2-20-00, 6-3-02,

Table VII
Reference Section 64E-2.024, F.A.C.
PROCESS FOR APPROVAL OF TRAUMA CENTERS SATC'S AND SAPTRC'S

Task	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	
Hospitals Submit Letters of Intent	█																							
DH Sends Applications to Hospitals		█																						
Hospitals Complete Applications		█	█	█	█	█	█																	
Hospitals Submit Applications								█																
Preliminary Review of Applications by DH								█																
Hospitals Respond to Deficiencies								█																
Hospitals Informed of Provisional Status									█															
In-Depth Review of Applications by DH									█	█														
Revised Applications Submitted by Provisional Trauma Centers SATC'S and SAPTRC'S											█	█												
DH Final Review of Applications													█											
Provisional Trauma Centers SATC'S and SAPTRC'S Notified of In-Depth Review Findings														█										
DH Conducts Site Visit Quality of Care Assessments															█	█	█	█	█	█	█	█	█	█
DH Approves Trauma Centers SATC'S and SAPTRC'S																							█	
DH Notifies Hospitals of Approval as Trauma Centers SATC'S and SAPTRC'S																								█

64E-2.026 Certificate of State – Approval.

Each hospital approved as a trauma center SATC or SAPTRC shall be issued a DH Form 2032-Z, December 2004 January 2000, Level I Trauma Center Certificate of Approval, DH Form 2043-Z, December 2004 January 2000, Level II Trauma Center Certificate of Approval, or DH Form 1721-Z, December 2004 January 2000, Pediatric Trauma Referral Center Certificate of Approval, which are incorporated by reference and available from the department. The certificates shall include:

- (1) The date effective and the date of termination;
- (2) The hospital's name; and
- (3) The approved trauma center level.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, Formerly 10D-66.110, Amended 2-20-00, 4-15-01,_____.

64E-2.027 Process for Renewal of Trauma Centers SATCs and SAPTRCs.

(1) At least 14 months prior to the expiration of the trauma center's SATC or SAPTRC certification, the department shall send, to each trauma center SATC or SAPTRC that is eligible to renew, a blank DH Form 2032R, December 2004 January 2000, State Approved Trauma Center Application to Renew, which is incorporated by reference and available from the department, in accordance with the provisions of this section. Within 15 calendar days after receipt, the trauma center SATC or SAPTRC choosing to renew its certification shall submit to the department the completed DH Form 2032R, December 2004 January 2000.

(2) All renewing trauma centers SATCs or SAPTRCs shall receive an on-site survey after the department's receipt of the completed DH Form 2032R, December 2004 January 2000. The department shall notify each trauma center SATCs or SAPTRCs of the results of the site survey within 30 +5 working days from completion of the site survey. If the trauma center SATCs or SAPTRCs desires to provide additional information regarding the results of the site survey to the department to be considered, the information must be provided in writing and be received by the department within 30 calendar days of the hospital's receipt of the department's notice. If the trauma center SATCs or SAPTRCs elects not to respond to the department's notice within 30 calendar days, the department shall make the final determination of approval or denial based solely on information collected during the applicant's site survey.

(3) No change.

(4) A trauma center SATCs or SAPTRCs which does not desire to be re-approved shall follow the notification provisions of Section 395.4025(8), F.S.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 1-23-96, Formerly 10D-66.111, Amended 3-15-98, 2-20-00,_____.

64E-2.028 Site Visits and Approval.

(1) Each Provisional trauma center SATC and Provisional SAPTRC shall receive an on-site evaluation to determine whether the hospital is in substantial compliance with standards published in DHP 150-9, December 2004 February 2002, State Approved Trauma Center and State Approved Pediatric Trauma Referral Center Approval Standards, which is incorporated by reference in Rule 64E-2.023, F.A.C., and to determine the quality of trauma care provided by the hospital.

(2) No change.

(3) All Provisional trauma centers SATC and Provisional SAPTRC shall receive a site visit between October 1 of each year and June 1 of the following year.

(4) The reviewers shall assess each applicant hospital's compliance with the standards published in DHP 150-9, December 2004 February 2002, by means of direct observation, review of call schedules, and review of patient charts. Reviewers also shall assess the quality of trauma patient care and trauma patient management by reviewing facility trauma mortality data, by reviewing patient charts and by reviewing trauma case summaries and minutes of trauma quality management committee meetings pursuant to Standard XVIII of DHP 150-9, December 2004 February 2002.

(5) No change.

(a) The reviewers shall judge the quality of trauma patient care and the quality of trauma patient management in each Provisional trauma center SATC and Provisional SAPTRC by analyzing each facility's trauma patient care and trauma patient outcomes, by reviewing trauma patient charts and by evaluating the effectiveness of the trauma quality management program through reviews of trauma case summaries and minutes of trauma quality management committee meetings.

(b) Evaluations of trauma patient care and trauma patient management will also be conducted using trauma patient data collected from the hospital trauma registry and the Florida Trauma Registry from the time the hospital received provisional trauma center status through the date of the on-site review. Trauma patient data may also be collected from the emergency department patient log, audit filter log, or quality management committee minutes. The patient population for review shall be selected on the basis of Injury Severity Scores (ISS). The ISS shall be determined using Abbreviated Injury Scaling (AIS-90). If the Provisional trauma center SATC and Provisional SAPTRC has an in-hospital trauma registry which computes the ISS using the International Classification of Disease, 9th Revision, Clinical Modification (ICD-9-CM), the computer program shall contain AIS-90 as a component of the program.

(c) Patient charts to be reviewed shall be selected by the department from cases meeting the criteria listed in Standard XVIII B.2, published in DHP 150-9, December 2004 February

2002; A minimum of 75 cases shall be selected for review in each facility. If the cases total less than 75, then all cases are subject to review.

(d) through (e) No change.

(6) The reviewers shall rate a Provisional trauma center SATC and Provisional SAPTRC which they have reviewed as either acceptable, acceptable with corrections, or unacceptable. The rating shall be based on each facility's substantial compliance with the standards published in DHP 150-9, December 2004, February 2002; and upon the performance of each Provisional trauma center SATC and Provisional SAPTRC in providing acceptable trauma patient care and trauma patient management which resulted in acceptable patient outcomes.

(7) The department shall evaluate the results of the site visit review and the in-depth application review of each Provisional trauma center SATC and Provisional SAPTRC between June 1 and July 1. All applicant hospitals shall be notified simultaneously of their approval or denial to become a trauma center SATC and Provisional SAPTRC on or before July 1. The department's selection will be based on the results of the site visit and the in-depth application review. In those situations in which there are more trauma centers or SATCs or SAPTRCs, Provisional trauma centers SATCs or Provisional SAPTRCs than available positions in the TSA, the criteria in paragraph (11)(10) of this section shall be applied for final selection.

(8) The department shall notify each Provisional trauma center SATC and Provisional SAPTRC of the results of the site visit within ~~30~~ 15 working days from completion of the site visit. The department shall include in the notice any problems that the Provisional trauma center SATC and Provisional SAPTRC was informed of at the conclusion of the department's in-depth application review. If the Provisional trauma center SATC and Provisional SAPTRC desires to provide additional information regarding the results of the site visit or in-depth application review to the department to be considered during the final evaluation between June 1 and July 1, the information must be provided in writing and be received by the department within 30 calendar days of the hospital's receipt of the department's notice. If the Provisional trauma center SATC and Provisional SAPTRC elects not to respond to the department's notice within 30 calendar days, the department shall make the final determination of approval or denial based solely on information collected during the applicant's site visit and in-depth application review.

(9) Site visits may be conducted at any reasonable time at the discretion of the department at any Provisional trauma center SATC and Provisional SAPTRC or trauma center SATC or SAPTRC by the department staff or reviewers to:

(a) No change.

(b) Ensure each trauma center SATC or SAPTRC maintains substantial compliance with trauma center standards, quality of trauma patient care, and quality of trauma patient management.

(10) No change.

(11) If the number of Provisional trauma centers SATC and Provisional SAPTRC found eligible for selection by the department in a given TSA exceeds the number permitted, as provided in subsection 64E-2.022(3), F.A.C., the following criteria shall be applied independently and consecutively to all Provisional trauma centers SATC and Provisional SAPTRC in the TSA until application of the criteria results in the number of trauma centers SATC and Provisional SAPTRC authorized in subsection 64E-2.022(3), F.A.C., for that TSA. When that occurs, the remaining criteria shall not be considered. The criteria to be applied are as follows:

(a) A hospital recommended to be a trauma center SATC or SAPTRC in the department-approved local or regional trauma agency plan pursuant to subparagraph 64E-2.019(2)(d)3., F.A.C., shall be given approval preference over any hospital which was not recommended.

(b) No change.

1. A Provisional Level I trauma center SATC will be given preference over a Provisional Level II trauma center SATC with pediatrics, SAPTRC; a Provisional Level II trauma center SATC, and a Provisional pediatric trauma center, SAPTRC;

2. A Provisional Level II trauma center SATC with pediatrics, SAPTRC will be given preference over a Provisional Level II trauma center SATC and a Provisional pediatric trauma center, SAPTRC; and

3. A Provisional Level II trauma center SATC will be given preference over a Provisional pediatric trauma center SAPTRC in TSA having only one allocated trauma center position, and in a TSA with more than one allocated trauma center position if there already exists an approved Level I trauma center, SATC; Level II trauma center SATC with pediatrics, SAPTRC; or a pediatric trauma center, SAPTRC; or if in the instant selection process a Level I trauma center, SATC Level II trauma center SATC with pediatrics, SAPTRC; or pediatric trauma center SAPTRC is to be selected.

(c) through (e) No change.

(12) The department shall inform in writing each Provisional trauma center SATC or Provisional SAPTRC denied approval as a trauma center SATC or SAPTRC of its opportunity to request a hearing in which to contest the denial in accordance with Section 120.57, F.S.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 10-2-94, 12-10-95, Formerly 10D-66.112, Amended 8-4-98, 2-20-00, 6-3-02, _____.

64E-2.029 Application by Hospital Denied Approval.

Any hospital that was not approved as a ~~trauma center SATC or SAPTRC~~ based on the application of criteria in Rule 64E-2.028, F.A.C., may submit a completed Letter of Intent DH Form 1840, ~~December 2004, January 2000~~, postmarked no earlier than September 1 and no later than midnight October 1 of the following year.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.113, Amended 2-20-00, _____.

64E-2.031 Do Not Resuscitate Order (DNRO) Form and Patient Identification Device.

(1) An emergency medical technician or paramedic shall withhold or withdraw cardiopulmonary resuscitation:

(a) Upon the presentation of an original or a completed copy of DH Form 1896, Florida Do Not Resuscitate Order Form, ~~December 2002, May 2002~~, which is incorporated by reference and available from the department at no cost, or, any previous edition of DH Form 1896; or

(b) through (6) No change.

Specific Authority 381.0011, 401.45(3) FS. Law Implemented 381.0205, 401.45, 765.401 FS History—New 11-30-93, Amended 3-19-95, 1-26-97, Formerly 10D-66.325, Amended 2-20-00, 11-3-02, _____.

NOTE: AT THE CONCLUSION OF ALL OF THE WORKSHOPS, A FINAL DRAFT OF THE PROPOSED RULE WILL BE POSTED ON THE BUREAU WEB PAGE PRIOR TO THE RULE GOING TO PUBLIC HEARING.
P.O. DO29262

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLE: Administrative Enforcement

RULE NO.: 64F-12.024

PURPOSE AND EFFECT: To update the rule related to payment of administrative fines imposed under the Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes and the Regulation for Drugs, Devices and Cosmetics, Rule Chapter 64F-12, F.A.C. This rule amendment will authorize payment of administrative fines by personal or corporate check, in addition to the forms stated in the current rule of a cashier's check, certified check, money order, or other guaranteed funds. The department has accepted personal or corporate checks in satisfaction of administrative fines and this amendment will conform rule language to department practice.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will authorize payment of administrative fines imposed under the Florida Drug and Cosmetic Act and the rules adopted thereunder by personal or corporate check.

SPECIFIC AUTHORITY: 499.05 FS.

LAW IMPLEMENTED: 499.066 FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY DUE TO THE PERMISSIVE NATURE OF THE PROPOSED RULE AMENDMENT.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Stovall, Compliance Manager, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-12.024 Administrative Enforcement.

(1) through (4) No change.

(5) Administrative fines due the department may be paid by ~~personal check, corporate check~~, cashier's check, certified check, money order, or other guaranteed funds, payable to the Florida Drugs, Devices and Cosmetics Trust Fund, at 2818-A Mahan Drive, Tallahassee, Florida 32308.

(6) No change.

Specific Authority 499.05 FS. Law Implemented 499.066 FS. History—New 7-1-96, Formerly 10D-45.0595, Amended 1-26-99, 4-17-01, 1-1-04, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE: Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels

RULE NO.: 68B-4.019

PURPOSE AND EFFECT: The purpose of this rule development effort is to modify the restriction on possession of trap pullers on vessels to allow their use on vessels harvesting from aquaculture leases or pursuant to a federal live rock permit, provided that no wild-caught regulated species are possessed aboard such vessel. The effect of this effort is to allow legitimate use of trap pullers aboard vessels engaged in aquaculture that do not also have wild caught species on board.

SUBJECT AREA TO BE ADDRESSED: Trap pullers.

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

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

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

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: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

No person shall operate any vessel with a trap puller aboard unless such vessel is operated commercially pursuant to a saltwater products license with either a lobster trap endorsement, stone crab trap endorsement, blue crab trap endorsement, sea bass trap endorsement, or a federal fish trap endorsement. This prohibition shall not apply to a person operating a vessel with a trap puller aboard who has been granted an accommodation by the Commission under the Americans With Disabilities Act to possess and use such gear or to a person engaging in aquaculture and possessing an aquaculture certificate issued pursuant to Section 597.004, Florida Statutes, or a federal aquacultured live rock permit issued pursuant to 50 C.F.R. 622.4(a)(3)(iii). However, a person taking advantage of this exception for aquaculture activities shall not be in possession of any lobsters, crabs, finfishes, or any other wild-caught species regulated by the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History--New 7-15-04, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Dolphin

RULE TITLES:	RULE NOS.:
Definitions	68B-41.002
Size Limit, Prohibition of Sale	68B-41.003
Recreational Bag and Possession Limits;	
Commercial Trip Limits	68B-41.004
Commercial Permit Requirements	68B-41.006

PURPOSE AND EFFECT: The purpose of this rule development effort is to expand the scope of this rule chapter and conform it to recent changes to federal regulations that govern harvest of dolphin and wahoo in the Atlantic Ocean. Where appropriate, these changes will be applied throughout Florida. The federal rules apply only in the Atlantic Ocean, not in the Gulf of Mexico, and are designed to conserve these species and maintain historical shares for both recreational and commercial fisheries. Additionally, the rules will designate dolphin and wahoo as restricted species to prevent recreational

fishers from selling their catch. The effect of these rules will be to slightly constrain harvest by both sectors through the use of daily limits on both fisheries. Certain of the federal licensing requirements will be made part of the state rules to clearly designate who is fishing recreationally, as a charter fisher, and as a commercial fisher.

SUBJECT AREA TO BE ADDRESSED: Dolphin and Wahoo. SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution. LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

DOLPHIN AND WAHOO

68B-41.002 Definitions.

As used in this rule chapter:

(1) “Atlantic Ocean” means all state waters along the east coast of Florida lying between the Florida-Georgia border and 83E West Longitude (near the Dry Tortugas Islands).

(2)(4) “Dolphin” means any fish of the species *Coryphaena hippurus* or *Coryphaena equiselis*, or any part thereof.

(3)(2) “Fork length” means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.

(4)(3) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize.

~~(5)(4)~~ “Harvest for commercial purposes” means the taking or harvesting of any dolphin for purposes of sale or with intent to sell. The harvest of any dolphin in excess of the bag limit specified in Rule 68B-41.004, F.A.C. shall constitute harvest for commercial purposes.

~~(6)(5)~~ “Land,” when used in conjunction with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

~~(7)(6)~~ “Spearing” means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

~~(8)~~ “Wahoo” means any fish of the species *Acanthocybium solandri*, or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-15-96, 1-1-98, Formerly 46-41.002, Amended _____.

68B-41.003 Size Limit, Prohibition of Sale.

(1) In the Atlantic Ocean, no person shall ~~harvest buy, sell, or exchange~~ any dolphin with a fork length less than 20 inches.

(2) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, ~~or land~~, sell, or exchange any dolphin with a fork length less than 20 inches.

(3) No person ~~harvesting for commercial purposes~~ shall land any dolphin or wahoo in other than a whole condition. The possession by such a person, while in or on state waters, of dolphin or wahoo that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of dolphin or wahoo, or mere removal of gills, before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Formerly 46-41.003, Amended _____.

68B-41.004 Recreational Bag and Possession Limits; Commercial Trip Limits.

(1) Except for a person harvesting for commercial purposes and in possession of the licenses required by Rule 68B-41.006, F.A.C. possessing a valid saltwater products license, no person shall harvest or land more than 10 dolphin per day, nor possess more than 10 dolphin at any time while in or on the waters of the state. Additionally, no more than 60 dolphin may be possessed aboard any vessel from which dolphin are harvested pursuant to this bag limit, except that 10 dolphin per paying passenger may be possessed aboard a for-hire vessel licensed pursuant to Section 372.57(7), Florida Statutes.

(2) Except for a person harvesting for commercial purposes and in possession of the licenses required by Rule 68B-41.006, F.A.C., no person shall harvest or land more than 2 wahoo per day, nor possess more than 2 wahoo at any time while in or on the waters of the state.

(3) A person harvesting for commercial purposes is limited to harvest or possession of 500 pounds of wahoo per day. No more than 500 pounds of wahoo shall be possessed aboard any vessel from which wahoo is harvested for commercial purposes.

(4) Any dolphin or wahoo harvested pursuant to the limits established in subsections (1) or (2) may not be sold, except that the captain of a for-hire vessel possessing the licenses required by Rule 68B-41.006, F.A.C., may sell dolphin harvested aboard the for-hire vessel pursuant to subsection (1).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Formerly 46-41.004, Amended _____.

68B-41.006 Commercial Permit Requirements.

(1) Dolphin and wahoo are designated as restricted species. Each person harvesting dolphin or wahoo for commercial purposes must possess a valid Saltwater Products License with a restricted species endorsement issued pursuant to Section 370.06(2)(b), Florida Statutes.

(2) Each person harvesting dolphin or wahoo for commercial purposes in the Atlantic Ocean shall also possess a valid federal commercial permit issued pursuant to 50 C.F.R. 622.4(a)(2)(xii).

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Marine Life

RULE TITLES:

Definitions

Commercial Requirements; Endorsements;

Requalifying; Appeals; Leasing;

Transferability

RULE NOS.:

68B-42.002

68B-42.0065

PURPOSE AND EFFECT: The purpose of this rule development effort is to control the level of effort in the marine life fishery by implementing a tiered license system for commercial fishers. This will replace the marine life endorsement moratorium that has been in place since 1998. The effect will be to treat directed harvesters and bycatch fishermen equitably by distributing endorsements based on qualifying landings value and gear type. It will reduce potential growth in this fishery after the moratorium expires on July 1, 2005.

SUBJECT AREA TO BE ADDRESSED: Marine life fishery.
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-42.002 Definitions.

As used in this rule chapter:

(1) No change.

(2) “Diving” means swimming at or below the surface of the water.

(2) through (5) renumbered (3) through (6) No change.

(7) “Immediate family” refers to a license holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law, or daughter-in-law.

(6) through (14) renumbered (8) through (16) No change.

PROPOSED EFFECTIVE DATE: February 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.002, Amended 2-1-05.

68B-42.0065 Commercial Requirements: Endorsements: Requalifying: Appeals: Leasing: Transferability.

(1) Beginning in the 2005/2006 license year, in addition to a valid saltwater products license with a valid restricted species endorsement, a marine life tiered endorsement is required to harvest marine life species in quantities greater than the recreational bag limit or to sell marine life species as defined by Rule 68B-42.001, F.A.C.

(2) The Commission shall notify all holders of a 2004/2005 saltwater products license with a marine life endorsement of their initial award or denial of a commercial marine life tiered endorsement. Persons will indicate either their acceptance of the initial award on a Marine Life Tiered Endorsement Application (Form DMF-SL4100 (12-04), incorporated herein by reference) or intent to appeal as specified in subsection (14).

(3) Application for issuance of a commercial marine life tiered endorsement (Form DMF-SL4100 (12-04), incorporated herein by reference), must be received by the Commission no later than September 30, 2005. An applicant may be a person, firm, or corporation.

(a) A tiered endorsement applicant must have held a valid marine life endorsement during the 2004/2005 license year. No new marine life tiered endorsement will be issued to an applicant who did not hold a valid saltwater products license with a valid restricted species endorsement and a marine life endorsement pursuant to Section 370.06(2)(j), F.S., at the time of application or on June 30, 2005.

(b) Qualification for a marine life tiered endorsement shall be determined by landings of marine life species as defined by Rule 68B-42.001, F.A.C., and reported on a valid saltwater products license with a valid restricted species endorsement and a marine life endorsement (ML) and as specified in paragraph (c) of this subsection.

(c) Qualified endorsement applicants must have documented commercial marine life landings, pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during the license year, July 1, 1999 through June 30, 2000; the license year, July 1, 2000 through June 30, 2001; the license year, July 1, 2001 through June 30, 2002; or during the license year, July 1, 2002 through June 30, 2003. Qualifying landings must have been received by the FWC by January 1, 2004.

(d) Landings reported on all the applicant’s individual and vessel saltwater products licenses with the current marine life endorsement will be used to determine an applicant’s eligibility to receive one of the marine life tiered endorsements specified in subsections (4) through (6).

(4) Marine Life Bycatch Endorsement (MLB) – The marine life bycatch endorsement is required to harvest commercial quantities of marine life using bycatch gears as defined in subsection 68B-42.004(3), F.A.C., which does not include harvest by diving.

(a) An applicant for the marine life bycatch endorsement must have an annual landings value of marine life as defined in paragraph (3)(b) of greater than zero dollars but less than \$5000 during any one of the qualifying years specified in paragraph (3)(c).

(b) A marine life bycatch endorsement will be issued on no more than one of an applicant’s vessel saltwater products licenses in any one license year. A marine life bycatch endorsement will not be issued on an individual license.

(c) A marine life bycatch endorsement is transferable pursuant to subsections (16) and (17).

(5) Marine Life Transferable Dive Endorsement (MLD) – The marine life transferable dive endorsement is required to harvest commercial quantities of marine life using all allowable gears as defined in subsection 68B-42.004(3), which includes harvest by diving.

(a) No marine life transferable dive endorsement will be issued to an applicant who does not qualify by one of the following methods:

1. An applicant must have qualified as specified in subsection (3) and have documented commercial marine life landings as defined in paragraph (3)(b) of greater than or equal to \$5,000 in any one of the qualifying years specified in paragraph (3)(c), and have documented dive landings during the qualifying years; or

2. An applicant must hold a live rock state lease or federal permit and have documented live rock landings value of greater than or equal to \$5,000 dollars during any one of the qualifying years specified in paragraph (3)(c) and held a marine life endorsement prior to 1998.

(b) A marine life transferable dive endorsement will be issued on no more than two of an applicant's saltwater products licenses in any one license year, except that an individual who has qualified as specified in subparagraph (a)1. and who has additional landings values of commercial marine life landings pursuant to subsection (3) on a subsequent saltwater products license held by the applicant of greater than \$10,000 may place the marine life transferable dive (MLD) on the additional vessel SPL(s) so qualified.

(c) A marine life transferable dive endorsement is transferable pursuant to subsections (16) and (17).

(6) Marine Life Non-transferable Dive Endorsement (MLN) - The marine life non-transferable dive endorsement is required to harvest commercial quantities of marine life using dive gears as defined in subsection 68B-42.002(3), F.A.C.

(a) No marine life non-transferable dive endorsements will be issued to an applicant who does not qualify by one of the following methods:

1. As specified in paragraph (4)(a); or

2. An applicant must hold a state live rock lease and/or a federal live rock permit and provide documentation of development of the site or sites and must have held a marine life endorsement prior to September 30, 2003.

(b) A marine life non-transferable dive endorsement will be issued on no more than one of an applicant's saltwater products licenses in any one license year.

(c) A marine life non-transferable dive endorsement (MLN) is not transferable, except in the event of death or permanent disability pursuant to subsection (17).

(7) After initial issuance, no endorsement may be converted from one type to another, except as provided in subsection (12).

(8) No Vested Rights. This marine life effort management program does not create any vested rights for endorsement holders whatsoever and may be altered or terminated by the Commission as necessary to protect the marine life resource, the participants of the fishery, or the public interest.

(9) No person, firm, or corporation shall be issued more than one marine life tiered endorsement type or more than one unique marine life tiered endorsement number.

(10) Effective September 30, 2005, no additional tiered endorsements will be issued and no endorsement will be renewed or replaced except those that were issued pursuant to subsections (4), (5), or (6). Beginning in the 2006/2007 license year, persons holding an endorsement that was active during the 2005/2006 license year or an immediate family member of that person must request renewal of the endorsement before September 30 of each year. Failure to renew by September 30 of any year will result in forfeiture of the endorsement.

(11) Requalifying. Beginning with license year 2010/2011, a person renewing a marine life transferable dive (MLD) endorsement must document landings of \$5,000 of marine life species as defined by Rule 68B-42.001, F.A.C., in one of the previous three license years. This endorsement will be valid for three years from the date of documentation used to qualify, but must still be renewed annually as required by subsection (10).

(12) A marine life transferable dive (MLD) endorsement can be converted to a marine life non-transferable dive (MLN) endorsement after the initial issuance. This MLN is not subject to the requalification requirements of subsection (11). This MLN can never be converted back to a MLD.

(13) A permanent marine life transferable dive (MLD) endorsement shall be available to those persons age 62 and older who held a valid MLD in the previous license year, hold a valid saltwater products license and valid restricted species endorsement at the time of application, and renew the permit pursuant to subsection (10).

(14) Appeals. The Director of the Division of Marine Fisheries Management, or one or more designees of the director, shall consider disputes and other problems arising from the initial denial of a commercial marine life tiered endorsement. The Director shall submit a recommendation to the Executive Director of the Commission for resolution of the appeal, which recommendation shall either allot an endorsement to the appellant or uphold the denial of an endorsement.

(a) An appeal of the initial denial or award of a commercial marine life tiered endorsement is initiated by submission and receipt of a completed appeals application (Form DMF-SL4110 (3-05), incorporated herein by reference) to the Director of the Division of Marine Fisheries Management before April 1, 2005.

(b) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer during the qualifying years or included in the agency landings database as of January 1, 2004.

(c) Special circumstances that can be considered during appeals shall include:

1. Persons who became disabled or can document hardship during the qualifying period, but can provide proof of landings of marine life through trip tickets prior to the qualifying period.

2. Persons who were serving in the military during the qualifying years, but can provide proof of landings of marine life through trip tickets prior to the qualifying period.

3. Persons involved in a partnership substantiated by documentation within the qualifying period.

(d) The Executive Director of the Commission may accept or disapprove the recommendations of the Director of the Division of Marine Fisheries Management, with notice given in writing to each party in the dispute explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(15) Leasing Prohibited. The leasing of marine life endorsements is prohibited.

(16) Transferability. After the initial issuance, the marine life bycatch (MLB) and marine life transferable dive endorsements (MLD) are transferable upon approval of the Commission under the following conditions:

(a) A transferable marine life endorsement may be sold to an otherwise qualified buyer at fair market value upon approval by the Commission.

(b) The buyer must hold a saltwater products license with a valid restricted species endorsement and the seller must hold a transferable marine life tiered endorsement.

(c) The sale or transfer of a marine life transferable dive endorsement (MLD) will result in the forfeiture of the marine life transferable dive endorsement (MLD) on all other licenses held by the seller.

(d) An endorsement holder may elect to permanently forfeit a marine life bycatch endorsement (MLB), a marine life transferable dive endorsement (MLD), or a marine life non-transferable dive endorsement (MLN) to the Commission.

(e) A person who holds a valid marine life bycatch endorsement (MLB) cannot enter into a purchase agreement for a marine life transferable dive endorsement (MLD) until they sell or permanently forfeit the marine life bycatch endorsement (MLB) at the time of transfer.

(f) A marine life bycatch endorsement (MLB) may be transferred, to any person who holds a saltwater products license with a restricted species endorsement.

(g) A marine life transferable dive endorsement (MLD) may be transferred to any person who holds a saltwater products license with a restricted species endorsement.

(h) If the marine life transferable dive endorsement (MLD) has been applied to more than two saltwater products licenses as specified in paragraph (5)(b), only the initial MLD, which serves as an endorsement for no more than two saltwater products licenses, can be transferred. The sale of this portion of the endorsement, will result in the forfeiture of the endorsement on all other licenses held by the seller.

(i) The marine life non-transferable dive (MLN) endorsement is not transferable except as specified in subsection (17).

(j) A person who wishes to transfer a tiered endorsement shall submit a notarized statement of intent, that has been signed by both parties to the transaction, hand delivered, or sent by certified mail, return receipt requested, to the Commission between September 1 and November 30 each year. Requests received by the Commission before September 1 or post marked after November 30 of the current license year will not be processed. A transfer request must be received by the Commission within three days of the date of the notarized signature of the intended recipient. The statement of intent (Form DMF-SL4120 (3-05), incorporated herein by reference) shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and
3. The selling price.

(k) A marine life tiered endorsement shall not be issued, transferred, or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full within the transfer period.

(l) Upon receipt of a marine life transferable dive endorsement (MLD), the transferee has 12 months from the date of purchase to produce trip tickets and document income from the sale of marine life as defined in Rule 68B-42.001, F.A.C., in order to renew the endorsement. Once renewed, this endorsement will be valid for three years from the date of documentation used to qualify, but must still be renewed annually as required by subsection (10).

(17) In the event of the death or permanent disability of a person holding a marine life tiered endorsement, the endorsement may be transferred by the license holder or the executor of the estate to a member of his or her immediate family within 12 months of the date of death or disability only after the recipient pays any outstanding fees, fines, or penalties to the Commission in full.

(18) It is the intent of the Commission that in the event of a decline in the health and abundance of the marine life resources, an endorsement buy back program could be initiated upon approval of funding for such buy back program by the Legislature.

PROPOSED EFFECTIVE DATE: February 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-05.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

RULE TITLE:

The Plan; Prescribed Forms

RULE NO.:

69C-6.003

PURPOSE AND EFFECT: The proposed rule addresses two issues. The first is an attempt to clarify and limit unforeseeable emergency withdrawals from the Florida Employees Deferred Compensation Plan. The second is to clarify the meaning of "Normal retirement age" for determining eligibility of a deferred compensation participant to use the catch up provision to increase contribution to beyond usual limits during the last three calendar years before reaching "normal retirement age," as is permitted under 26 USC 457(c)(3).

The proposed rule adopts a revised Deferred Compensation Plan which contains new language at § 6.01(5)(c) 2.b. pages 25-27 which will limit the eligibility for unforeseeable emergency withdrawals to: (1) medically necessary expenses, (2) funeral expenses of an immediate family member, (3) loss of income due to injury or illnesses, (4) casualty losses, (5) loss of child support payments, (6) entry of a child into the household due to death, illness, or incarceration of parent or (7) an extraordinary event so improbable that it could not have been prevented or overcome by a reasonable prudent person through savings insurance, credit or other financial preparation.

The definition of "Normal Retirement Age" is being clarified to provide that in the event that the participant does not make a selection, the normal retirement age shall be the participant's age at the later of the participant's birth date in the calendar year following the year in which separation from service takes place, or the date the participant would have become eligible to receive unreduced benefits from the Florida Retirement System (FRS).

SUBJECT AREA TO BE ADDRESSED: Amendments to the Deferred Compensation Plan.

SPECIFIC AUTHORITY: 112.215(11) FS.

LAW IMPLEMENTED: 18.125(4)(c), 112.215 FS.

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

TIME AND DATE: 1:30 p.m., November 8, 2004

PLACE: Room 415, Hermitage Centre, Suite 400, 1801 Hermitage Blvd., Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, Bureau of Deferred Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0346, (850)413-3162

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69C-6.003 The Plan; Prescribed Forms.

(1) Form DFS-J3-1176 ~~DI4-1176~~ (rev. 9/04 ~~4/02~~), State of Florida Employees Deferred Compensation Plan, is hereby established and incorporated into this rule by reference as the plan contemplated in Section 112.215, F.S.

(2) through (4) No change.

Specific Authority 112.215(11) FS. Law Implemented 18.125(4)(c), 112.215 FS. History--New 1-1-87, Amended 10-7-87, 2-14-88, 2-19-89, 6-21-89, 8-7-95, 9-21-98, 6-3-02, 8-26-04, _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:

RULE NO.:

Reporting Requirements for Campaign

Treasurer's Reports

1S-2.017

PURPOSE AND EFFECT: The purpose of this rule is to provide procedures for the electronic filing of campaign treasurer's reports for all persons and political parties who file with the Division of Elections. The Florida Legislature last session passed Chapter 2004-252, Laws of Florida, which mandates the electronic filing of campaign treasurer's reports, effective January 1, 2005.

SUMMARY: This rule implements Sections 106.0705 and 106.0706, Florida Statutes, regarding the electronic filing of campaign treasurer's reports effective January 1, 2005.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 106.0705, 106.35(1),(5) FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.29, 106.30-36, 106.0705, 106.076 FS.

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

TIME AND DATE: 9:00 a.m., November 12, 2004

PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phyllis Hampton, Division of Elections, Department of State, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6240

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Phyllis Hampton at (850)245-6240 at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.017 Reporting Requirements for Campaign Treasurer's Reports, Candidates, Committees, and Political Parties; State Matching Funds.

(1) General Reporting Requirements.

(a) ~~All persons and political parties candidates who file campaign treasurer's reports qualify with the Division of Elections (Division) and political parties, political committees, and committees of continuous existence, must file regular reports of contributions and expenditures as set forth in this rule. Candidates who are not eligible to receive state matching funds, and political parties, political committees, and committees of continuous existence need not provide information necessary to request matching funds.~~

(b) ~~All candidates, political parties, political committees, and committees of continuous existence shall submit campaign treasurer's reports filed with the Division of Elections shall be filed in electronic format by means of the internet by either keying in the detail data via the web pages or uploading an electronic file that meets the Division of Election's file specifications. All data submitted must comply with the instructions on Forms DS-DE 13 and 14 42 (Eff. 01/05 9/04). Any amendment to a campaign treasurer's report that was filed prior to January 1, 2005 and that was not filed electronically, may be submitted in paper form. Any amendment to a campaign treasurer's report that was filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette. Amendments filed in paper or on magnetic diskette shall be filed using Forms DS-DE 12, 13 and 14 (Eff. 01/05). Forms DS-DE 12, 13 and 14 are incorporated by reference. Copies of these forms may be obtained from the Division's website at <http://election.dos.state.fl.us/index.htm> or by contacting the Bureau of Election Records, R.A. Gray Building – Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone number, (850)245-6240. "Campaign Treasurer's Report Summary," and a magnetic diskette of the information required by Chapter 106, F.S., necessary to complete a campaign treasurer's report.~~

(c) Prior to filing the first campaign treasurer's report in electronic format, each person or political party must obtain credentials for a secure sign-in to the Division's electronic filing system. Each person or political party is responsible for protecting the credentials from disclosure and is responsible for all filings using these credentials unless the person has notified the Division that his or her credentials have been compromised.

(d) The Division shall issue credentials for a secure sign-in when a person or political party files a completed Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository, or a completed Form DS-DE 5, Statement of Organization of Political Committee, or a completed Form DS-DE 103, Electioneering Communication Statement of Organization. The Division shall issue credentials for a secure sign-in upon request to candidates and their treasurers or deputy treasurers and to chairpersons, treasurers, and deputy treasurers of committees, organizations, and political parties.

(e) Each individual who receives secure sign-in credentials will also furnish the Division with confidential personal information that may be used by the Division to allow access by the individual in the event that credentials are forgotten or lost.

(f) Electronic reports are considered to be filed under oath by the person or political party filing the report and are subject to the fines and penalties in Sections 106.04(4)(d) and (8), 106.07(5) and (8), 106.0705, and 106.29(2) and (3), F.S., as applicable.

(g) Electronic reports must be completed and filed through the Division's electronic filing system no later than 12:00 p.m., Eastern Standard Time, of the due date. In the event that the electronic filing system is inoperable on the date a report is due, the report will be accepted as timely filed if filed no later than 12:00 p.m., Eastern Standard Time, of the first business day the electronic filing system becomes operable again. No fine will be levied during the period the electronic filing system was inoperable.

(h) A report shall be deemed completed and filed through the electronic filing system upon the issuance of an electronic receipt indicating and verifying that the report was filed.

(2) State Matching Funds Program.

(a) Pursuant to Section 106.33, F.S., a candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall, upon qualifying for office, file a request for such contributions with the Division on Form DS-DE 98 (Eff. 1/02), "Candidate for Governor or Cabinet Officer Request for Contributions."

(b) To be eligible to receive state matching funds, a candidate for Governor or member of the Cabinet must not be an unopposed candidate as defined in Section 106.011(15), F.S., and shall:

1. Agree to abide by the expenditure limits provided in Section 106.34, F.S.

2. Raise qualifying matching contributions as provided in Sections 106.33 and 106.35, F.S.

3. Retain copies of all checks received, in-kind documentation, credit or debit card receipts, if applicable, and, in the case of cash copies of the accompanying deposit slips, and copies of cashiers checks. Each campaign treasurer shall submit copies of checks, in-kind documentation, credit or debit

card receipts, deposit slips for cash contributions and copies of cashiers checks to the Division at each applicable reporting period; and

4. Submit to a post-election audit of the campaign account and financial records by the Division. Surplus matching funds must be returned before the post-election audit is conducted.

(c) State matching funds shall be distributed within 7 days after the close of qualifying and every 7 days thereafter, to eligible candidates. The first distribution shall be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election, through June 30 of the election year. Thereafter, distribution of funds will be based on weekly reports as provided by Section 106.07(1)(b), F.S. Each weekly distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashier's checks which have been submitted by the candidates.

(d) For candidates who are eligible to receive state matching funds, a report is timely if it is received in the Division by 12:00 noon, Eastern Standard Time, on the date it is due. If a report is received after 12:00 noon, Eastern Standard Time, on the due date, such report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle. If any fines are due for late filing they will be assessed pursuant to Section 106.07, F.S. For all other candidates, ~~political committees, political parties, and committees of continuous existence~~, filing deadlines shall be as provided in Section 106.07, F.S.

(e) Reports filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-36, F.S. ~~All other candidates, political committees, political parties, and committees of continuous existence need only provide the information required by Section 106.07, F.S.~~ If information related to a matchable contribution is missing, incomplete or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be provided on the next applicable cycle.

(f) If a candidate requesting matching funds submits a report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically in writing by original copy to the Division.

(g) The Division shall record the time that reports are received from candidates requesting matching contributions and distribute funds on a first-in, first-out basis.

(h) An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

(3) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90 (Eff. 12/93), "Irrevocable Statement To Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds," upon qualifying for office.

(4) Filing on Magnetic Diskettes. Amendments to electronic ~~Electronic~~ reports which were filed with the Division of Elections prior to January 1, 2005 and which were filed on magnetic diskette shall conform to Division specifications. ~~Any candidate, political committee, political party, or committee of continuous existence who is unable to file a campaign treasurer's report on magnetic diskette, as provided above, must file a statement to this effect with the Division of Elections. Thereafter, such reports may be filed in hard copy. When filing by hard copy, one must use Forms DS-DE 12, Campaign Treasurer's Report Summary (Eff. 9/01); 13, Campaign Treasurer's Report Itemized Contributions (Eff. 7/98); 14, Campaign Treasurer's Report Itemized Expenditures, (Eff. 9/01); 14A, Campaign Treasurer's Report Itemized Distributions (Eff. 7/98); and 94, Campaign Treasurer's Report Fund Transfers (Eff. 7/98).~~

(5) All forms and specifications contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250.

The proposed effective date of this rule is January 1, 2005.

Specific Authority 106.35(1),(5) FS. Law Implemented 106.04, 106.07, 106.29, 106.30-36 FS. History--New 11-13-88, Formerly IC-7.017, Amended 2-28-90, 9-5-93, 1-1-96, 3-5-96, 7-20-98, 7-31-02, 1-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phyllis Hampton, Chief, Bureau of Election Records

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director, Division of Elections, Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2005

DEPARTMENT OF COMMUNITY AFFAIRS

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Disciplinary Rules 9-11

RULE TITLES: RULE NOS.:

Standards of Conduct and Examples

 of Violations 9-11.004

Alcoholism and Alcohol 9-11.014

PURPOSE, EFFECT AND SUMMARY: In 1999 an amendment to Chapter 110, Florida Statutes, directed the Department of Management Services (DMS) to adopt uniform personnel rules which would apply to all state agencies. These rules cover topics covered by the DMS rules and should be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 110.201(2) FS.

LAW IMPLEMENTED: 110.201(2), 110.227(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 RULES IS: Bobbie Jo Finer, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1677

THE FULL TEXT OF THE PROPOSED RULES IS:

9-11.004 Standards of Conduct and Examples of Violations.

Specific Authority 110.201(2) FS. Law Implemented 110.201(2), 110.227(1) FS. History—New 6-14-83, Formerly 9-11.04, Repealed.

9-11.014 Alcoholism and Alcohol.

Specific Authority 110.201(2) FS. Law Implemented 110.201(2), 110.227(1) FS. History—New 6-14-83, Formerly 9-11.14, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bobbie Jo Finer, Assistant General Counsel, Department of Community Affairs. 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1677

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Heidi Hughes, General Counsel, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:

Canteen Operations 33-203.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase the limit on inmate canteen purchases.

SUMMARY: The proposed rule increases the limit on weekly canteen purchases from \$65.00 to \$100.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.101 Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase ~~\$100~~ ~~\$65.00~~ of canteen merchandise on a weekly basis, ~~exclusive of any items obtained through special mail order procedures, unless an increase up to \$100.00 is approved by the Secretary for special occasions.~~

(3) through (8) No change.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History—New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-3-03, .

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Prudom

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Routine Mail
 RULE NO.: 33-210.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates are not permitted to use postage stamps to pay for goods or services.

SUMMARY: The proposed rule prohibits the use of postage stamps as currency and prohibits inmates from receiving mail that solicits payment for services with postage stamps.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.101 Routine Mail.

(1) through (21) No change.

(22) Inmates shall not use postage stamps as currency to pay for products or services. Postage stamps placed in outgoing mail for this purpose will be deemed contraband. Incoming mail that solicits inmates to purchase products or services and allows payment with postage stamps will be rejected.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Probation Officers Carrying Firearms
 RULE NO.: 33-302.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for carrying semi-automatic pistols and reloading devices, update training and qualification requirements, and delete unnecessary and obsolete language.

SUMMARY: The proposed rule clarifies requirements for carrying semi-automatic pistols and reloading devices, updates training and qualification requirements, and deletes unnecessary and obsolete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) No change.

(2) Definitions.

(a) through (b) No change.

(c) "~~Weapon Firearm~~ card" means the document issued by the department pursuant to this rule to a correctional probation officer who has been authorized by the department to carry a firearm while on duty.

(d) Reviewing authority, for the purpose of this rule, refers to staff who are authorized to review and approve requests to carry firearms, issue weapon firearm cards, maintain lists of staff under their supervision who have been authorized to carry a firearm, and permanently remove or temporarily suspend authorization for staff to carry a firearm.

~~1. Circuit Administrators are the reviewing authority for Correctional Probation Officers up to the level of Deputy Circuit Administrator.~~

~~2. Regional Directors of probation and parole are the reviewing authority for Circuit Administrators and Deputy Regional Directors of probation and parole.~~

~~3. The Director of Community Operations or the Assistant Secretary for probation and parole is the reviewing authority for the Regional Directors of probation and parole.~~

(3) Authorization Procedures.

(a) In addition to the requirements of this rule, correctional probation officers who elect to carry firearms shall also be required to comply with ~~Chapter Rule 33-209-103~~, F.A.C.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain authorization through the circuit administrator. Any circuit administrator or deputy regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the regional director of probation and parole. A regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the deputy assistant secretary of probation and parole. ~~A director of community operations or deputy assistant secretary of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the assistant secretary of probation and parole.~~ The written request shall contain documentation that the individual has complied with the required training and qualification requirements provided in Chapter 33-209, F.A.C., ~~set forth in paragraph (e) below.~~

(c) ~~Correctional probation officers who elect to carry firearms while on duty shall complete training and qualification requirements pursuant to Rule 33-209-103, F.A.C.~~ Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and the weapon firearm card has been issued. Initial ~~Q~~Qualification, annual ~~re~~-qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted along with the documentation of training and qualification in the request for authority to carry the firearm.

(d) If an officer temporarily or permanently replaces the firearm used for qualification, the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm. If the officer chooses to replace a revolver with a 9 millimeter semi-automatic firearm, the officer shall complete the department-approved 9mm transition course. The officer shall ~~re~~-qualify with the replacement weapon and provide proof of ownership and inspection to the reviewing authority. Correctional probation officers shall not be authorized to carry more than one firearm at a time.

(e) Prior to approving a request to carry a firearm, the reviewing authority shall review the request, the documentation of training and qualification pursuant to ~~Chapter Rule 33-209-103~~, F.A.C., and shall complete a Florida Crime

Information Center/National Crime Information Center (FCIC/NCIC) check on the firearm by serial number, and an FCIC/NCIC check on the applicant. Upon approval, the reviewing authority shall issue a weapon firearm card which establishes that the officer has been authorized to carry a specific firearm while on duty.

(f) The weapon firearm card shall expire twelve months after the initial qualification ~~the following year, on the last day of the month the firearms card was issued~~, unless written documentation of annual ~~re~~-qualification is submitted to the authorizing entity prior to the expiration of the weapon firearms card. The officer shall be required to successfully ~~re~~-qualify within twelve months after initial qualification and every ~~each~~ year thereafter pursuant to ~~Chapter Rule 33-209-103~~, F.A.C., and this rule in order to remain qualified to carry a firearm.

(g) Annual ~~Re~~-qualification must occur prior to the employee's weapon firearm card expiration date. The new weapon firearm card will be issued effective the date of annual ~~re~~-qualification. The weapon firearm card will expire twelve months after the initial qualification and every twelve months thereafter ~~the following year, on the last day of the month the firearms card was issued~~.

(h) The reviewing authority shall immediately suspend authorization to carry a firearm, except for firearm training purposes, and shall secure the weapon firearm card from any officer who has failed to ~~re~~-qualify as of the card expiration date. Suspension of the weapon card removes the officer's authority to carry a firearm while on duty. A correctional probation officer who attempts to ~~re~~-qualify and fails shall be provided the opportunity to participate in remedial firearm training as specified in Chapter 33-209, F.A.C., at a time approved by the reviewing authority.

(i) No change.

(4) Carrying a Firearm While on Duty.

(a) The firearm shall be carried by those the officers who elect to carry in accordance with department standards and requirements only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist or under the shoulder. All holsters that secure the firearm about the waist or under the shoulder shall be of a type which secures the firearm with a thumb break retainer. Only the authorized firearm may be carried.

(b) No change.

(c) Each probation office shall have a designated secure space containing a secure locker for storage of firearms; ~~ammunition, and reloading devices~~. Officers shall place their ~~holstered~~ firearms in the secure locker immediately upon entering the office. The firearm shall be removed from the locker at the conclusion of the duty day. No firearm shall be left in the probation office overnight.

(d) Any officer authorized to carry a firearm while on duty shall carry a Department of Corrections identification card and weapon ~~firearm~~ authorization card while carrying the firearm on duty. If the officer is carrying a firearm on duty, he or she shall display the Department of Corrections issued badge in plain view.

(5) No change.

(6) Firearm Type and Ammunition.

(a) Correctional probation officers authorized to carry a firearm shall only be authorized to carry a five or six shot revolver of .38 or .357 caliber with a barrel length not to exceed four inches, or a 9 millimeter semi-automatic pistol with a barrel length not to exceed five inches, with the exception of weapons specified in Federal Firearms Regulations, 921(a)(30), as semi-automatic assault weapons.

(b) Correctional probation officers shall only be authorized to carry ammunition and reloading devices approved by the department for each respective weapon. All ammunition used for training, qualification, or annual ~~re-qualification~~, must be approved by the range facility for use.

(c) Correctional probation officers are authorized to carry no more than two department approved reloading devices while carrying a firearm. ~~These reloading devices and all accompanying ammunition shall be stored in the same secure locker as the officer's firearm immediately upon entering the office.~~ Only that ammunition stored in a firearm or reloading device may be brought into an office.

(7) Use of Firearm. For the purposes of this rule, "use of a firearm" means to discharge a firearm or to have a firearm readily accessible for immediate discharge, i.e., loaded and in a person's hand.

(a) In accordance with firearms training, the firearm is to remain in a holster at all times except:

1. If the officer believes that use of the firearm is necessary to prevent imminent death or great bodily harm;

2. For training purposes, ~~or~~

3. ~~To~~ secure the firearm prior to entering a location when removal of the firearm is required;

4. ~~3.~~ When assistance is requested by law enforcement; or

5. ~~4.~~ For cleaning and inspection.

(b) through (e) No change.

(8) No change.

(9) Removal of Authorization to Carry a Firearm.

(a) The reviewing authority shall ~~permanently remove or temporarily~~ suspend the authorization to carry a firearm for a correctional probation officer if:

1. The correctional probation officer has exhibited behavior that indicates that the carrying of a firearm by this officer could present a threat to the security of other staff, offenders, or the general public, or the correctional probation

officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm safely;

2. The correctional probation officer has demonstrated an inability to properly care, maintain, handle or secure the firearm;

3. The correctional probation officer is found to have been negligent by failure to comply with those standards and procedures provided in the training required by Chapter 33-209, F.A.C., ~~or the standards set forth in this rule in the case of loss or theft of the firearm while on duty shall have the authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with Chapter 33-208, F.A.C.~~

4. The correctional probation officer fails to complete annual ~~re-qualification,~~ ~~or~~

~~5. The correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm or other weapon safely.~~

(10) Care and Maintenance of Firearm.

(a) No change.

(b) Officers shall not work on or modify their approved firearms. Only gunsmiths or armorers employed by a Florida law enforcement agency, certified by the manufacturer to repair that specific firearm, ~~or armorers employed by a Florida law enforcement agency~~ shall be used to make repairs on authorized firearms.

(c) through (e) No change.

(11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History--New 5-28-86, Amended 7-7-92, 12-20-92, 03-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, 6-24-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Atchison

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Probation and Parole – Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language and clarify requirements for the use of handcuffs.

SUMMARY: The proposed rule deletes unnecessary language and clarifies requirements for the use of handcuffs.

RULE NO.:

33-302.105

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.35 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.105 Probation and Parole – Use of Force.

(1) through (2) No change.

(3) Whenever force is used, the highest ranking official involved or the most senior highest ranking official shall inform the circuit administrator immediately. Whenever force is used, except as provided in paragraph (5)(f), a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. This report shall be completed within one working day (Monday through Friday) of the incident. ~~Form DC3-210, Community Corrections Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior highest ranking official involved shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC3-210 part I shall prepare a Community Corrections Report of Force Used Staff Supplement, Form DC3-211, within one working day (Monday through Friday) of the incident. The report shall describe in detail the type and amount of force used by him or her. Any additional employee who does not agree with the facts and circumstances as reported in Form DC3-210 part I shall prepare a separate Form DC3-210, Community Corrections Report of Force Used within one working day (Monday through Friday) of the incident. Any employee who witnesses the use of force, but was not directly or physically involved in the use of force, shall complete Form DC3-225, Community Corrections Incident Report, within one working day (Monday through Friday) of the incident. Forms DC3-210, DC3-211 and DC3-225 shall be submitted to the circuit administrator upon completion. Forms DC3-210, DC3-211 and DC3-225 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is 2-19-03.~~

(4) Use of Handcuffs.

(a) ~~Officers are authorized to shall use handcuffs on offenders in the following situations: in accordance with subsection (1) of this rule.~~

1. When there is imminent danger to any individual or the public in general if the offender is not detained immediately;

2. Prior to conducting a search;

3. When law enforcement personnel request assistance in the performance of their duties; or

4. In any other situation that appears to warrant the use of handcuffs if approved by the supervisor prior to the use of handcuffs.

~~(b) Handcuffs shall be used only by persons authorized by the department and shall only be used for purposes as outlined in this rule. Officers shall receive handcuff training yearly. Training documentation shall be maintained in the staff training and record system that is maintained by the department.~~

~~(b) A minimum of one set of handcuffs shall be maintained by the supervisor in an accessible location in the office.~~

(c) No change.

(d) In any case in which handcuffs are used with force applied, except for training purposes, an accurate record shall be maintained by the circuit administrator as to the location and reason for use, and a factual description of the circumstances and the incident. ~~This information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. The officer who used the handcuffs shall complete the report after the incident. Any additional officer(s) physically involved in the handcuffing who agrees with the facts and circumstances as reported on the DC3-210, shall prepare a Community Corrections Report of Force Used – Staff Supplement, DC3-211.~~

(e) When handcuffs are used without resistance, the officer applying the handcuffs shall document the use of handcuffs (without resistance) in the electronic case notes. If handcuffs are used without resistance during a search, the officer shall document the use of handcuffs (without resistance) on a record documenting the results of the search and document the use of handcuffs in the electronic case notes.

(5) Use of chemical agents.

(a) No change.

(b) Chemical agents shall be used only by persons trained by instructors certified by the Florida Department of Law Enforcement, and shall be used only for authorized purposes as outlined in this rule. Officers shall receive training within 6 months after hire and shall receive retraining yearly. Training shall include decontamination procedures. Training documentation shall be maintained in the employee's personnel file. Chemical agents shall be used only according to the principles taught by FDLE and only in situations authorized in this rule.

~~(c) Only those chemical agents containing oleoresin capsicum and that are non flammable shall be approved for use. Chemical agents may be issued to correctional probation staff including clerical support staff who have received training pursuant to paragraph (5)(b). Trained support staff are authorized to be issued a chemical agent with not more than two (2) ounces. The Receipt of Chemical Agents, Form DC3-254, will be utilized to document the issuance, testing, and return of chemical agents. The Chemical Agent Inventory, Form DC3-253, is utilized by the circuit office to maintain control of the chemical agents issued, stored, returned, and disposed of within the circuit. Forms DC3-253 and DC3-254 are hereby incorporated by reference. Copies of Form DC3-254 and DC3-253 may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is 10-2-01. Staff who have received training may carry chemical agents upon their persons during working hours. Nothing in this rule authorizes staff to carry department issued chemical agents while off duty. Support staff must store chemical agents safely and securely in the office after working hours. If an employee has a question regarding chemical agents, he or she shall refer to the manufacturer's instructions or shall contact his or her supervisor.~~

~~(d) As soon as possible, consistent with continuing efforts to restore control of the situation, decontamination procedures will be initiated, in accordance with measures provided during chemical agent training.~~

~~(e) Local law enforcement shall be notified immediately following the use of chemical agents if assistance is needed in gaining control of the situation and in decontamination procedures.~~

~~(d)(f) Use of chemical agents on animals shall be limited to those situations in which the officer is in danger of an immediate attack from the animal. Following use of chemical agents, the officer shall immediately remove himself from the area, contact local animal control officers or local law enforcement if there is no local animal control office, and make a formal complaint regarding the attack. Under no circumstances shall chemical agents be used on animals that are not posing an immediate threat to the officer.~~

~~(e)(g) In any case in which chemical agents are used, except for training or testing purposes, an accurate record shall be maintained as to what type was used, how much was used, and the location and reason for use, and a factual description of the circumstances and the incident. When chemical agents are used on a person, this information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. When chemical agents are used on an animal, this information shall be reflected on the Community Corrections Incident Report, Form DC3-225. The employee who used the chemical agent shall complete the report after the incident.~~

(6) Staff or Offender Injury Sustained During Use of Force Incident.

(a) through (b) No change.

(c) When the offender has not been taken into custody after a use of force incident, the correctional probation officer shall advise the offender that he or she must be examined by a health care provider. When there is noticeable physical injury and the extent of the noticeable injury indicates that the offender needs emergency medical services, the correctional probation officer shall call emergency services for the offender as soon as the emergency has been resolved to an extent which allows the officer to leave the scene. Documentation of notification to the offender that a medical examination is required, any express refusal of medical care, and all contacts for medical services by the correctional probation officer shall be included in the written report Community Corrections Report of Force Used, Form DC3-210.

(7) Report of Suspected Offender Abuse.

(a) Any employee who witnesses, or has reasonable cause to suspect, that an offender has been unlawfully abused will immediately prepare an independent report ~~(not a Community Corrections Report of Force Used form)~~ pursuant to Section 944.35(3)(d), F.S.

(b) through (c) No change.

Specific Authority 944.09 FS. Law Implemented 944.35 FS. History-New 5-28-86, Amended 8-6-90, 2-15-98, Formerly 33-24.017, Amended 10-2-01, 2-19-03, 8-13-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Atchison

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE TITLES	RULE NOS.:
Definitions	40A-2.021
Permits Required	40A-2.041
Exemptions	40A-2.051
General Water Use Permit – Criteria,	
Limitations and Conditions	40A-2.302
Temporary Permits	40A-2.441
Areal Boundary Maps for Water Use Permitting	40A-2.902

PURPOSE AND EFFECT: The proposed rule amendments will require all withdrawals for bottled water purposes to apply for an Individual Water Use Permit, extend the expiration date for General Water Use Permits, and clarify rule language and permitting procedures. Withdrawals for bottling purposes are typically located proximal to springs. The revisions will allow for a more detailed review of such withdrawals and provide the

public an opportunity to participate in the permitting process. The extension of the General Water Use Permits is a periodic, administrative action to allow for the continuation of such permits which are issued by rule. The clarification of the rule language will allow the public to more easily understand the rule and its application.

SUMMARY: Amendments to Chapter 40A-2, F.A.C., address the permitting of withdrawals for bottling purposes, expiration of General Water Use Permits, and clarification of rule language and permitting procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST. An estimate of regulatory cost was not prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 373.216 FS.

LAW IMPLEMENTED: 373.103(1), 373.118, 373.171, 373.216, 373.219, 373.223, 373.226 FS.

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

TIME AND DATE: 11:30 a.m., November 30, 2004

PLACE: District Headquarters, Governing Board Room, U. S. Highway 90, Midway, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Angela Chelette, Chief, Bureau of Ground Water Regulation. For a copy of the proposed rule contact, Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, (850)539-2777 (fax).

THE FULL TEXT OF THE PROPOSED RULES IS:

40A-2.021 Definitions.

(1) through (9) No change.

(10) Commercial use – ~~small~~ businesses, operations and facilities in which water is the prime ingredient of the service or product rendered, such as a car wash, ~~and~~ Laundromat or bottled water.

(11) through (22) No change.

(23) Individual water use permit – a permit granted by the Governing Board or Executive Director subject to evaluation and approval of the application pursuant to procedures described in Rule 40A-~~1.203 2-101~~, Florida Administrative Code.

(24) through (51) No change.

(52) Water Resource Caution Area – a geographic area, officially designated by the Governing Board, ~~pursuant to Rule 62-40.416(5), Florida Administrative Code~~, by rule that is experiencing, or is anticipated to experience within the next 20 years, critical water resource problems as provided by the criteria identified in subsection 40A-2.801(1), Florida Administrative Code.

(53) through (58) No change.

PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216 FS. History–New 10-1-82, Amended 5-17-83, 3-1-84, 1-5-86, 8-1-89, 5-31-92, 11-2-92, 11-1-93, 10-1-95, 7-1-98, 1-1-05.

40A-2.041 Permits Required.

(1) through (2) No change.

(3) Unless expressly exempted by law or District rule, a water use permit must be obtained from the District prior to any use or withdrawal of water according to the following criteria:

(a) No change.

(b) In Area A, ~~as delineated south of line one (1) or within line three (3) to the State line~~ on the map identified in Rule 40A-2.902, Florida Administrative Code, an Individual Water Use Permit is required for all non-exempt ground water withdrawals.

(c) In Area B, ~~as delineated the area to the north of line one (1) and south of line two (2), and south of that portion of line three (3) separating Liberty and Gadsden Counties~~, on the map identified in Rule 40A-2.902, Florida Administrative Code, ~~a~~ An Individual Water Use Permit is required for ~~a well or combination of wells withdrawing~~ ground water use if:

1. through 2. No change.

3. The withdrawal is obtained from one or more a single well six (6) inches or larger in diameter ~~or from any combination of two or more wells, one of which is six (6) inches or larger in diameter~~; or

4. The withdrawal ~~of ground water, regardless of well diameter~~, is for public supply or bottled water use ~~the use of a public water supply system~~.

(d) In Area C, ~~the area north of line two (2) and east and west of line three (3), in~~ as delineated on the map identified in Rule 40A-2.902, Florida Administrative Code, an Individual Water Use Permit is required for ~~a well or combination of wells withdrawing~~ ground water use if:

1. The withdrawal exceeds ~~1,440,000~~ 1,444,000 gallons on any single day; or

2. The withdrawal is obtained from one or more ~~a single well~~ ten (10) inches or larger in diameter ~~or from any combination of two or more wells, one of which is ten (10) inches or larger in diameter~~; or

3. The withdrawal ~~of ground water, regardless of well diameter, is for public supply or bottled water use~~ the use of a public water supply system.

(e) An Individual Water Use Permit is required for surface water use ~~withdrawals~~ if:

1. through 2. No change.

3. The withdrawal use, regardless of the withdrawal rate, is for public supply or bottled water use ~~the use of a public water supply system.~~

(4) through (5) No change.

PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.116, 373.118, 373.171 FS. Law Implemented 373.171, 373.219, 373.226 FS. History--New 10-1-82, Amended 1-5-86, 5-4-87, 8-1-89, 5-31-92, 11-1-93, 10-1-95, 7-1-98, 1-1-05.

40A-2.051 Exemptions.

(1) through (8) No change.

(9) An Individual Water Use Permit shall not be required for water obtained from holding ponds not constructed in wetlands and not recharged by ground water infiltration or by a river, stream, or other naturally occurring water course(s) in uplands, for the purpose of storing runoff or reclaimed water.

PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219 FS. History--New 10-1-82, Amended 5-17-83, 3-1-84, 1-5-86, 8-1-89, 5-31-92, 11-2-92, 10-1-95, 7-1-98, 1-1-05.

40A-2.302 General Water Use Permit – Criteria, Limitations and Conditions.

(1) No change.

(2) The following limitations and conditions are made part of the General Water Use Permits granted by the District under the provisions of subsection 40A-2.041(3), Florida Administrative Code;

(a) through (b) No change.

(c) The permit's expiration date is established as January 1, ~~2015~~ 2005, unless extended, by rule or order, by the Governing Board. However, General Water Use Permits issued for bottled water use shall expire January 1, 2006.

(3) No change.

PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.216 FS. History--New 1-5-86, Amended 5-31-92, 11-2-92, 11-1-93, 10-1-95, 1-1-05.

40A-2.441 Temporary Permits.

(1) The Executive Director is authorized to issue a temporary permit while an application is pending after determining:

(a) That an unforeseen situation creates a hardship on the water user; and,

(b) That water supplies cannot be obtained on a temporary basis from other sources or supplies.

(2) ~~A~~ The temporary permit,

(a) For an annual withdrawal of 100,000 gallons per day or more, shall expire on the day following the next regularly scheduled meeting of the Governing Board. If the application for the Individual Water Use Permit is still pending at the time of the next Board meeting, the Board shall extend the expiration of the temporary permit until the following Board meeting upon finding that the water use meets the criteria set forth in Rule 40A-2.301, Florida Administrative Code, and Section 373.223, Florida Statutes.

(b) For an annual withdrawal of less than 100,000 gallons per day, shall expire on the day the District takes Final Agency Action on the water use permit request.

(3) through (4) No change.

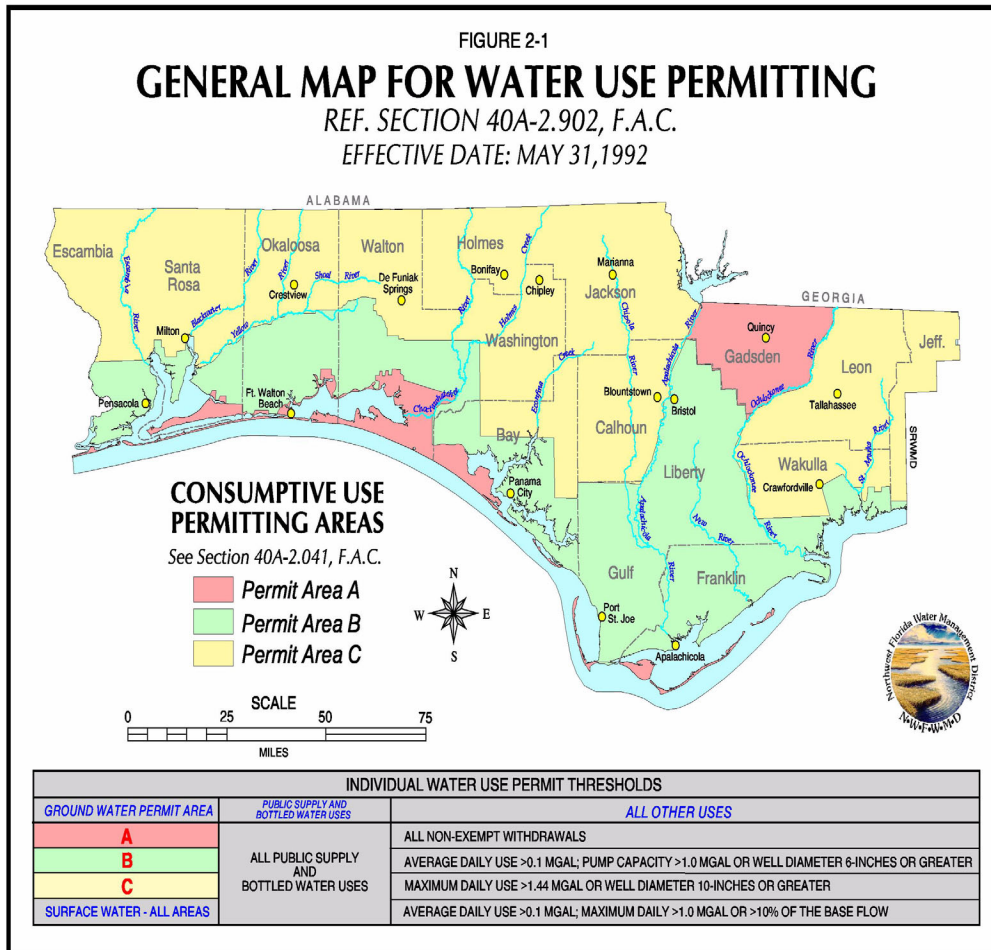
PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.244, 373.216, 373.219 FS. History--New 10-1-82, Amended 1-5-86, 5-31-92, 10-1-95, 1-1-05.

40A-2.902 Areal Boundary Maps for Water Use Permitting.

General areal boundaries for Areas A, B and C are established for the implementation of water use permitting pursuant to this Chapter and are indicated in Figure 2-1. These boundaries are depicted in specific detail for each of the 16 counties within the District on general county highway maps. These maps are hereby incorporated by reference, and the public may obtain copies of these maps by contacting the District at 152 Water Management Drive, Havana, FL 32333-9700, (850)539-5999.

PROPOSED EFFECTIVE DATE: January 1, 2005.



09-08-001B

Specific Authority 373.044, 373.171 FS. Law Implemented 373.216 FS. History—New 10-1-82, Amended 1-5-86, 5-4-87, 8-1-89, 5-31-92, 7-1-98, 1-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Angela Chelette, Chief, Bureau of Ground Water Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: W. Guy Gowens, Director, Division of Ground Water Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow
RULE CHAPTER NO.: 40D-8
RULE TITLE: Guidance and Minimum Levels for Lakes
RULE NO.: 40D-8.624

PURPOSE AND EFFECT: The purpose of this rulemaking is to reorganize the existing information included in Tables 8-2 and 8-3 of Rule 40D-8.624, F.A.C. In Table 8-2, lakes within the Hillsborough County/Northwestern Hillsborough Basin Group have been alphabetized and the last two columns of the table have been switched to accurately reflect the sequence of levels from highest to lowest. In both tables the titles of several lakes have been renamed to make them consistent, in format, with other lakes and typographical errors have been corrected.

SUMMARY: No substantive changes or amendments are included in this proposed rule, only formatting changes and typographical corrections are included.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 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 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Assistant General Counsel, 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-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(7), F.A.C., to establish the level. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000.
 Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	<u>Minimum Lake Level</u> Low Guidance Level	<u>Low Guidance Level</u> Minimum Lake Level
(a) In Charlotte County Within the Peace River Basin RESERVED						
(b) In Citrus County Within the Coastal Rivers Basin RESERVED						
(c) In Citrus County Within the Withlacoochee River Basin RESERVED						
(d) In DeSoto County Within the Peace River Basin RESERVED						
(e) In Hardee County Within the Peace River Basin RESERVED						
(f) In Hernando County Within the Coastal Rivers Basin RESERVED						
(g) In Hernando County Within the Hillsborough River Basin RESERVED						
(h) In Hernando County Within the Withlacoochee River Basin RESERVED						
(i) In Highlands County Within the Peace River Basin RESERVED						

(j) In Hillsborough County Within the Alafia River Basin

RESERVED

(k) In Hillsborough County Within the Hillsborough River Basin

RESERVED

(l) In Hillsborough County Within the Northwest Hillsborough Basin

Stemper Lake S-13, T-27, R-18 (Levels in feet NGVD)	62.6'	61.2'	60.8' (CAT 1)	59.4' (CAT 1) 59.1'	59.1' 59.4' (CAT 1)
Alice Lake S-16, T-27, R-17 (Levels in feet NGVD)	42.4'	40.9'	40.9' (CAT 2)	39.9' (CAT 2)	38.8'
Barbara Lake S-19, T-27, R-18	54.96'	53.15'	53.15' (CAT 3)	52.15' (CAT 3)	51.05'
Bird Lake S-26, T-27, R-18 (Levels in feet NGVD)	53.0'	49.6'	49.6' (CAT 2)	48.6' (CAT 2)	47.5'
Brant Lake S-23, T-27, R-18 (Levels in feet NGVD)	60.5'	58.0'	58.0' (CAT 2)	57.0' (CAT 2)	55.9'
Calm Lake S-14, T-27, R-17	51.02'	49.41'	49.41' (CAT 3)	48.41' (CAT 3)	47.31'
Church Lake S-28, T-27, R-17	36.74'	35.64'	35.64' (CAT 3)	34.64' (CAT 3)	33.54'
Crenshaw Lake S-22, T-27, R-18	57.64'	55.5'	54.45' (CAT 3)	53.45' (CAT 3)	53.4'
Crystal Lake S-14, T-27, R-18 (Levels in feet NGVD)	62.1'	59.8'	59.8' (CAT 2)	58.8' (CAT 2)	57.7'
Cypress Lake S-24, T-27, R-17	50.86'	48.89'	48.89' (CAT 3)	47.89' (CAT 3)	46.79'
Deer Lake S-1, T-27, R-18 (Levels in feet NGVD)	70.0'	66.5'	66.5' (CAT 2)	65.5' (CAT 2)	64.4'
Dosson Lake S-20, T-27, R-18 (Levels in feet NGVD)	55.1'	53.4'	53.4' (CAT 2)	52.4' (CAT 2)	51.3'
Echo Lake S-28, T-27, R-17	36.74'	35.64'	35.64' (CAT 3)	34.64' (CAT 3)	33.54'
Ellen Lake S-19, T-27, R-18	54.96'	53.15'	53.15' (CAT 3)	52.15' (CAT 3)	51.05'
Fairy (Maurine) Lake S-34, T-27, R-17	34.51'	33.41'	33.41' (CAT 3)	32.41' (CAT 3)	31.31'
Halfmoon Lake S-31, T-27, R-18	45.07'	43.3'	43.3' (CAT 2)	42.3' (CAT 2)	41.2'

<u>Helen Lake</u>	<u>54.96'</u>	<u>53.15'</u>	<u>53.15'</u>	<u>52.15'</u>	<u>51.05'</u>
<u>S-19, T-27, R-18</u>			(CAT 3)	(CAT 3)	
<u>Hobbs Lake</u>	<u>67.75'</u>	<u>65.46'</u>	<u>65.46'</u>	<u>64.46'</u>	<u>63.36'</u>
<u>S-1, T-27, R-18</u>			(CAT 2)	(CAT 2)	
<u>Horse Lake</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>
<u>S-26, T-27, R-17</u>			(CAT 3)	(CAT 3)	
<u>Juanita Lake</u>	<u>43.8'</u>	<u>41.7'</u>	<u>41.7'</u>	<u>40.7'</u>	<u>39.6'</u>
<u>S-22, T-27, R-17</u>			(CAT 2)	(CAT 2)	
(Levels in feet NGVD)					
<u>Little Moon Lake</u>	<u>40.8'</u>	<u>39.1'</u>	<u>39.1'</u>	<u>38.1'</u>	<u>37.0'</u>
<u>S-28, T-27, R-17</u>			(CAT 2)	(CAT 2)	
(Levels in feet NGVD)					
<u>Merrywater Lake</u>	<u>58.0'</u>	<u>55.8'</u>	<u>55.8'</u>	<u>54.8'</u>	<u>53.7'</u>
<u>S-22, T-27, R-18</u>			(CAT 2)	(CAT 2)	
(Levels in feet NGVD)					
<u>Rainbow Lake</u>	<u>40.8'</u>	<u>39.1'</u>	<u>39.1'</u>	<u>38.1'</u>	<u>37.0'</u>
<u>S-22, T-27, R-17</u>			(CAT 2)	(CAT 2)	
(Levels in feet NGVD)					
<u>Raleigh Lake</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>
<u>S-27, T-27, R-17</u>			(CAT 3)	(CAT 3)	
<u>Rogers Lake</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>
<u>S-27, T-27, R-17</u>			(CAT 3)	(CAT 3)	
			(CAT 3)	(CAT 3)	
<u>Round Lake</u>	<u>56.49'</u>	<u>55.6'</u>	<u>54.5'</u>	<u>53.5'</u>	<u>53.5'</u>
<u>S-22, T-27, R-18</u>			(CAT 3)	(CAT 3)	
<u>Saddleback Lake</u>	<u>56.11'</u>	<u>54.58'</u>	<u>54.58'</u>	<u>53.58'</u>	<u>52.48'</u>
<u>S-22, T-27, R-18</u>			(CAT 2)	(CAT 2)	
<u>Sapphire Lake</u>	<u>64.1'</u>	<u>63.4'</u>	<u>63.0'</u>	<u>61.6'</u>	<u>61.3'</u>
<u>S-14, T-27, R-18</u>			(CAT 1)	(CAT 1)	
(Levels in feet NGVD)					
<u>Starvation Lake</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>	<u>RESERVED</u>
<u>S-21, T-27, R-18</u>			(CAT 3)	(CAT 3)	
<u>Sunset Lake</u>	<u>35.0'</u>	<u>34.8'</u>	<u>34.4'</u>	<u>33.0'</u>	<u>32.7'</u>
<u>S-17, T-27, R-17</u>			(CAT 1)	(CAT 1)	
(Levels in feet NGVD)					
<u>Sunshine Lake</u>	<u>55.1'</u>	<u>53.4'</u>	<u>53.4'</u>	<u>52.4'</u>	<u>51.3'</u>
<u>S-20, T-27, R-18</u>			(CAT 2)	(CAT 2)	
(Levels in feet NGVD)					
<u>Little Moon Lake</u>	<u>40.8</u>	<u>39.1</u>	<u>39.1</u>	<u>37.0</u>	<u>38.1</u>
<u>S-28, T-27, R-17</u>			(CAT 2)		(CAT 2)
(Levels in feet NGVD)					
<u>Hobbs</u>	<u>67.75</u>	<u>65.46</u>	<u>65.46</u>	<u>63.36</u>	<u>64.46</u>
<u>S-1, T-27, R-18</u>			(CAT 2)		(CAT 2)

Brant S-23, T-27, R-18 (Levels in feet- NGVD)	60.5	58.0	58.0 (CAT 2)	55.9	57.0 (CAT 2)
Crenshaw S-22, T-27, R-18 Starvation	57.64	55.5	54.45 (CAT 3)	53.4	53.45 (CAT 3)
S-21, T-27, R-18	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED	RESERVED (CAT 3)
Deer S-1, T-27, R-18 (Levels in feet- NGVD)	70.0	66.5	66.5 (CAT 2)	64.4	65.5 (CAT 2)
Alice S-16, T-27, R-17 (Levels in feet- NGVD)	42.4	40.9	40.9 (CAT 2)	38.8	39.9 (CAT 2)
Calm S-14, T-27, R-17	51.02	49.41	49.41 (CAT 3)	47.31	48.41 (CAT 3)
Rainbow S-22, T-27, R-17 (Levels in feet- NGVD)	40.8	39.1	39.1 (CAT 2)	37.0	38.1 (CAT 2)
Juanita S-22, T-27, R-17 (Levels in feet- NGVD)	43.8	41.7	41.7 (CAT 2)	39.6	40.7 (CAT 2)
Horse S-26, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED	RESERVED (CAT 3)
Fairy (Maurine) S-34, T-27, R-17	34.51	33.41	33.41 (CAT 3)	31.31	32.41 (CAT 3)
Halfmoon S-31, T-27, R-18	45.07	43.3	43.3 (CAT 2)	41.2	42.3 (CAT 2)
Raleigh S-27, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED	RESERVED (CAT 3)
Rogers S-27, T-27, R-17	Not Available	RESERVED	RESERVED (CAT 3)	RESERVED	RESERVED (CAT 3)
Sunset S-17, T-27, R-17 (Levels in feet- NGVD)	35.0	34.8	34.4 (CAT 1)	32.7	33.0 (CAT 1)
Bird S-26, T-27, R-18 (Levels in feet- NGVD)	53.0	49.6	49.6 (CAT 2)	47.5	48.6 (CAT 2)
Crystal S-14, T-27, R-18 (Levels in feet- NGVD)	62.1	59.8	59.8 (CAT 2)	57.7	58.8 (CAT 2)

Merrywater S-22, T-27, R-18 (Levels in feet- NGVD)	58.0	55.8	55.8 (CAT 2)	53.7	54.8 (CAT 2)
Round S-22, T-27, R-18	56.49	55.6	54.5 (CAT 3)	53.5	53.5 (CAT 3)
Church S-28, T-27, R-17	36.74	35.64	35.64 (CAT 3)	33.54	34.64 (CAT 3)
Echo S-28, T-27, R-17	36.74	35.64	35.64 (CAT 3)	33.54	34.64 (CAT 3)
Saddleback S-22, T-27, R-18	56.11	54.58	54.58 (CAT 2)	52.48	53.58 (CAT 2)

(m) In Lake County
Within the Green
Swamp Basin

RESERVED

(n) In Levy County
Within the
Withlacoochee River
Basin

RESERVED

(o) In Manatee County
Within the Manasota
River Basin

RESERVED

(p) In Marion County
Within the
Withlacoochee River
Basin

RESERVED

(q) In Pasco County
Within the Coastal
Rivers Basin

Big Fish Lake S-21, T-24, R-19	77.41'	76.05'	75.65' (CAT 3)	<u>73.05'</u> (CAT 3) 71.75'	<u>71.75'</u> 73.05' (CAT 3)
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(r) In Pasco County
Within the Green
Swamp Basin

RESERVED

(s) In Pasco County
Within the Hillsborough
River Basin

RESERVED

(t) In Pasco County
Within the
Pinellas-Anclote River
Basin

Camp Lake S-34, T-26, R-18 (Levels in feet NGVD)	64.3'	63.8'	63.4' (CAT 1)	<u>62.0'</u> (CAT 1) 61.3'	<u>61.3'</u> 62.0' (CAT 1)
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(u) In Pasco County
Within the
Withlacoochee River
Basin

RESERVED

(v) In Pinellas County
Within the
Pinellas-Anclote River
Basin
RESERVED

(w) In Polk County
Within the Alafia River
Basin
RESERVED

(x) In Polk County
Within the Green
Swamp Basin
RESERVED

(y) In Polk County
Within the Hillsborough
River Basin
RESERVED

(z) In Polk County
Within the Peace River
Basin
RESERVED

(aa) In Sarasota County
Within the Manasota
Basin
RESERVED

(bb) In Sumter County
Within the Green
Swamp Basin
RESERVED

(cc) In Sumter County
Within the
Withlacochee River
Basin
RESERVED

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000

Location of Impoundment by County and Basin	Ten (10) Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
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(a) In Charlotte County Within the Peace River Basin

(b) In Citrus County Within the Coastal Rivers Basin

(c) In Citrus County Within the Withlacoochee River Basin

Lake Bradley, Lake	43.40'	42.50'	40.25'	38.25'
S23 T20S R20E				
Lake Cato, Lake	38.82'	38.00'	35.50'	34.00'
S5 T19 R20				
Lake Connell, Lake	35.68'	35.50'	32.00'	30.00'
S6 T19 R20				
Lake Cooter, Lake	41.80'	40.50'	38.25'	36.25'
S17 T19 R20				
Lake Hog Pond, Lake	35.92'	34.50'	32.00'	30.00'
(Nina)				
S2 T19 R19				
Lake Holden, Lake	32.44'	32.00'	29.50'	28.00'
(Inverness)				
S32 T19 R20				
Lake Magnolia, Lake	32.36'	31.00'	28.50'	27.00'
S3 T20 R20				
Lake Rush, Lake (Williams)	36.20'	35.75'	33.25'	31.25'
S03 T17 R18				
Lake Tsala Apopka (Floral City Pool)	<u>43.40'</u>	<u>42.50'</u>	<u>40.25'</u>	<u>38.25'</u>
<u>19</u> <u>19S</u> <u>21E</u>				
<u>21</u> <u>19S</u> <u>21E</u>				
<u>22</u> <u>19S</u> <u>21E</u>				
<u>27</u> <u>19S</u> <u>21E</u>				
<u>28</u> <u>19S</u> <u>21E</u>				
<u>29</u> <u>19S</u> <u>21E</u>				
<u>30</u> <u>19S</u> <u>21E</u>				
<u>31</u> <u>19S</u> <u>21E</u>				
<u>32</u> <u>19S</u> <u>21E</u>				
<u>33</u> <u>19S</u> <u>21E</u>				
<u>34</u> <u>19S</u> <u>21E</u>				
<u>1</u> <u>20S</u> <u>20E</u>				
<u>2</u> <u>20S</u> <u>20E</u>				

3 20S 20E
10 20S 20E
11 20S 20E
12 20S 20E
13 20S 20E
14 20S 20E
3 20S 21E
4 20S 21E
5 20S 21E
6 20S 21E
7 20S 21E
8 20S 21E
17 20S 21E
18 20S 21E
25 19S 20E
26 19S 20E
34 19S 20E
35 19S 20E
36 19S 20E

Lake Tsala Apopka
(Hernando Pool)

40.50'

39.00'

36.75'

34.75'

Sec. Twsp. Rng.
1 18S 19E
2 18S 19E
11 18S 19E
12 18S 19E
13 18S 19E
23 18S 19E
24 18S 19E
25 18S 19E
26 18S 19E
5 18S 20E
6 18S 20E
7 18S 20E
21 18S 20E
27 18S 20E
28 18S 20E
8 18S 20E
16 18S 20E
17 18S 20E
18 18S 20E
19 18S 20E
20 18S 20E
29 18S 20E
30 18S 20E
31 18S 20E
32 18S 20E
33 18S 20E

Lake Tsala Apopka (Inverness Pool)	41.80'	40.50'	38.25'	36.25'
33 18S 20E				
34 18S 20E				
35 18S 20E				
1 19S 20E				
2 19S 20E				
3 19S 20E				
4 19S 20E				
8 19S 20E				
9 19S 20E				
10 19S 20E				
11 19S 20E				
12 19S 20E				
13 19S 20E				
14 19S 20E				
15 19S 20E				
16 19S 20E				
17 19S 20E				
21 19S 20E				
22 19S 20E				
23 19S 20E				
18 19S 21E				
19 19S 21E				
Lake Tsala Apopka (Floral City Pool)	43.40'	42.50'	40.25'	38.25'
19 19S 21E				
21 19S 21E				
22 19S 21E				
27 19S 21E				
28 19S 21E				
29 19S 21E				
30 19S 21E				
31 19S 21E				
32 19S 21E				
33 19S 21E				
34 19S 21E				
1 20S 20E				
2 20S 20E				

3	20S	20E				
10	20S	20E				
11	20S	20E				
12	20S	20E				
13	20S	20E				
14	20S	20E				
3	20S	21E				
4	20S	21E				
5	20S	21E				
6	20S	21E				
7	20S	21E				
8	20S	21E				
17	20S	21E				
18	20S	21E				
25	19S	20E				
26	19S	20E				
34	19S	20E				
35	19S	20E				
36	19S	20E				
Little, Lake (Consuella)			43.40'	41.50'	39.00'	37.25'
S15 T20S R20E						
Lake Twin			38.11'	37.00'	35.00'	33.00'
S6 T19 R20						
(d) In DeSoto County						
Within the Peace River						
Basin						
(e) In Hardee County Within						
the Peace River Basin						
(f) In Hernando County						
Within the Coastal Rivers						
Basin						
(g) In Hernando County						
Within the Hillsborough						
River Basin						
LAKES						
Nicks Lake			114.46'	113.00'	110.50'	108.50'
S29 T23S R20E						
St. Clair Lake			114.46'	113.00'	110.50'	108.50'
S33 T23S R20E						
(h) In Hernando County						
Within the Withlacoochee						
River Basin						
LAKES						
Elizabeth, Lake			62.90'	60.25'	57.00'	55.50'
S11 T23S R21E						
Francis, Lake			62.90'	60.25'	57.00'	55.50'
11 23S 21E						
Geneva, Lake			62.90'	60.25'	57.00'	55.50'
11 23S 21E						
Lindsey, Lake			70.60'	69.00'	66.00'	64.50'
25 23S 19E						

Mountain Lake	105.10'	104.00'	101.00'	99.00'
16 23S 20E				
Neff Lake	104.40'	103.00'	100.00'	98.00'
20 23S 20E				
Sparkman Lake	94.40'	91.50'	89.00'	88.00'
24 23S 19E				
Spring Lake	185.02'	184.25'	181.25'	178.25'
S15 T23S R20E				
(i) In Highlands County				
Within the Peace River				
Basin				
LAKES				
Sec Twsp Rng				
Adelaide, Lake	110.00'	106.50'	104.00'	102.50'
5 33S 28E				
Angelo, Lake	104.00'	99.50'	97.00'	95.00'
4 27S 25E				
Anoka, Lake	124.00'	124.00'	122.00'	120.00'
27 33S 28E				
Apthhorpe, Lake	72.00'	71.50'	68.00'	66.00'
18 36S 30E				
Blue, Lake	78.70'	77.50'	75.00'	73.50'
30 36S 30E				
Bonnet, Lake	91.90'	90.75'	88.00'	86.00'
8 34S 29E				
Brentwood, Lake	102.30'	102.75'	99.50'	98.00'
10 33S 28E				
Buck, Lake	96.40'	94.00'	91.50'	89.50'
29 37S 30E				
Byrd, Lake	110.60'	108.25'	105.50'	104.00'
9 33S 28E				
Carrie, Lake	75.13'	75.50'	73.00'	72.50'
21 36S 29E				
Charlotte, Lake	93.90'	93.75'	91.25'	89.75'
17 35S 29E				
Chilton, Lake	116.30'	114.00'	111.00'	109.50'
7 33S 28E				
Clay, Lake	79.00'	78.75'	76.00'	75.00'
29 36S 30E				
Crews, Lake	120.50'	119.50'	117.00'	115.50'
32 36S 29E				
Damon, Lake	102.30'	101.00'	98.00'	95.00'
3 33S 28E				
Denton, Lake	117.10'	116.50'	114.00'	112.00'
2 34S 28E				
Dinner, Lake	103.50'	102.50'	98.50'	97.00'
17 34S 29E				
Francis, Lake	70.80'	70.50'	67.50'	66.50'
22 36S 29E				
Glenada, Lake	118.40'	120.00'	117.00'	115.50'
34 33S 28E				

Grassy, Lake 17 37S 30E	92.10'	91.50'	88.50'	87.50'
Harry, Lake 1 36S 29E	67.60'	67.50'	63.00'	62.00'
Henry, Lake 25 36S 29E	75.13'	75.50'	73.00'	72.50'
Hill, Lake 17 36S 29E	101.00'	99.25'	96.00'	94.50'
Huckleberry Lake 7 35S 29E	104.80'	104.50'	102.00'	101.00'
Huntley, Lake 5 37S 30E	83.40'	83.75'	81.00'	79.50'
Jackson, Lake 30 34S 29E	103.20'	103.00'	100.00'	98.00'
Josephine, Lake 32 35S 29E	72.70'	72.50'	69.00'	68.50'
June-in-Winter, Lake 34 36S 29E	75.13'	75.50'	73.00'	72.50'
Lake Lachard 36 36S 29E	79.56'	78.50'	76.00'	74.00'
Lelia, Lake 34 33S 29E	113.00'	114.50'	112.50'	110.50'
Letta, Lake 31 33S 29E	100.00'	100.00'	97.00'	95.00'
Little Bonnet Lake 36 33S 28E	101.70'	100.00'	97.00'	96.00'
Little Lake Jackson 6 35S 29E	103.20'	103.00'	100.00'	98.00'
Little Red Water Lake 14 36S 29E	104.10'	103.25'	100.50'	98.50'
Lost Lake 12 37S 29E	90.60'	88.00'	84.00'	82.75'
Lotela, Lake 26 33S 28E	106.60'	108.50'	105.00'	104.00'
McCoy, Lake 6 37S 30E	87.39'	87.00'	84.00'	82.00'
Mirror, Lake 7 37S 30E	94.70'	93.50'	90.00'	88.00'
Center Nellie 13 36S 29E	73.20'	71.50'	67.00'	65.00'
N.W. Nellie N.W. Lake 13 36S 29E	73.20'	71.50'	67.00'	65.00'
S.E. Nellie S.E. Lake 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Olivia, Lake 6 33S 28E	118.10'	117.50'	114.50'	113.00'
Pearl, Lake 6 37S 30E	87.27'	87.00'	84.00'	82.00'
Persimmon Lake 10 36S 29E	69.30'	68.25'	65.00'	63.50'

Pioneer, Lake 11 33S 28E	108.60'	108.00'	104.50'	103.00'
Placid, Lake 30 36S 30E	94.70'	94.50'	91.50'	90.00'
Pythias, Lake 2 33S 28E	101.20'	101.00'	98.00'	95.00'
Red Beach Lake 15 35S 29E	76.80'	76.50'	73.75'	72.75'
Red Water Lake 14 36S 29E	70.80'	70.50'	67.50'	66.50'
Ruth, Lake 18 35S 29E	94.20'	94.00'	91.50'	90.00'
Saddlebags, Lake 6 37S 30E	84.27'	84.00'	81.00'	79.00'
Sebring, Lake 14 34S 28E	107.60'	107.25'	104.50'	103.00'
Simmons, <u>Lake</u> 24 36S 29E	74.30'	72.50'	68.00'	66.50'
Sirena, Lake 1 37S 29E	87.27'	87.00'	84.00'	82.00'
Trout Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Tulane, Lake 27 33S 28E	120.50'	120.00'	116.00'	114.00'
Unnamed Lake (B) 20 37S 30E	92.10'	91.50'	88.50'	87.50'
Unnamed Lake (F) 24 36S 29E	78.50'	78.00'	74.00'	72.00'
Verona, Lake 23 33S 28E	123.00'	119.00'	115.25'	113.00'
Viola, Lake 14 33S 28E	112.20'	109.50'	105.75'	104.00'
Wolf Lake 24 35S 28E	93.80'	92.50'	90.00'	88.00'
(j) In Hillsborough County Within the Alafia River Basin LAKES				
Carlton Lake	93.60'	93.50'	90.50'	88.00'
Edward Medard Reservoir	67.10'	62.75'	57.50'	56.00'
Grady Lake	40.70'	39.00'	36.00'	34.00'
Hickory Hammock Lake	32.80'	32.25'	30.50'	29.00'
Unnamed Lake #2	56.00'	56.00'	No Recommendation	
Wimauma, Lake	87.20'	86.75'	83.00'	81.00'
(k) In Hillsborough County Within the Hillsborough River Basin LAKES				
Bellows Lake (East Lake)	24.50'	23.75'	21.50'	19.00'
Burrell Lake	50.50'	50.00'	47.50'	45.00'
Commiston Lake	64.20'	63.00'	60.50'	59.00'
Eckles Lake	33.40'	32.50'	30.00'	28.00'

Egypt Lake	38.50'	37.50'	35.00'	32.50'
Gornito Lake	39.00'	38.50'	36.00'	34.00'
Hanna Lake	63.50'	62.50'	59.50'	58.25'
Hart Lake	67.20'	66.00'	64.00'	63.00'
Hog Island Lake	67.00'	66.00'	64.00'	61.00'
Hooker Lake	45.50'	45.00'	43.00'	42.00'
Kathy, Lake	45.50'	43.50'	42.50'	42.00'
Keene Lake	63.90'	63.00'	60.50'	59.00'
Kell Lake	67.30'	66.00'	63.50'	62.50'
Long Lake	52.00'	50.25'	48.00'	46.00'
Long Pond	48.50'	46.50'	44.00'	42.00'
Mud Lake (Lake Walden er)	115.80'	115.00'	112.50'	110.50'
Thonotosassa, Lake	39.10'	37.00'	34.50'	33.00'
Unnamed Lake	63.40'	63.00'	60.50'	59.00'
Unnamed Lake	62.00'	61.00'	58.50'	57.00'
Valrico Lake	48.50'	45.00'	42.50'	41.00'
Weeks, Lake	43.80'	43.25'	41.00'	39.50'

(l) In Hillsborough County

Within the Northwest

Hillsborough Basin

LAKES

Sec Twsp Rng

SWEETWATER CREEK WATERSHED

Avis Lake	38.50'	37.00'	34.50'	32.50'
15 28S 18E				
Bay Lake	47.00'	46.75'	44.00'	42.50'
Boat Lake	38.00'	35.50'	33.75'	31.25'
Brooker Lake	66.00'	64.25'	61.00'	59.00'
Carroll Lake	38.50'	37.00'	34.50'	32.50'
Chapman Lake	52.30'	52.25'	49.50'	48.00'
Charles, Lake	56.10'	54.75'	52.00'	50.00'
Cooper, Lake	64.00'	61.75'	59.75'	57.00'
Elaine, Lake	38.50'	37.00'	34.50'	32.50'
15 28S 18E				
Gass Lake	51.50'	49.50'	46.25'	44.50'
George, Lake	51.00'	48.00'	45.00'	42.00'
Geraci, Lake	65.00'	63.50'	61.50'	59.50'
Halls Lake	50.70'	50.00'	47.50'	46.00'
3 28S 18E				
Lipsey, Lake	42.50'	41.50'	39.00'	37.00'
Magdalene, Lake	50.70'	50.00'	47.50'	46.00'
Platt Lake	51.80'	50.50'	45.75'	46.00'
Reinheimer, Lake	61.50'	59.50'	57.00'	56.00'
Strawberry Lake	62.80'	62.00'	59.75'	57.00'
Thomas, Lake	64.00'	63.50'	61.25'	59.25'
Twin Lake	34.00'	32.00'	30.00'	27.75'
White Trout Lake	38.50'	36.50'	34.00'	32.50'

ROCKY CREEK WATERSHED

Allen, Lake	62.60'	62.50'	59.75'	57.50'
Armistead, Lake	46.50'	44.00'	40.50'	39.00'
Browns Lake	63.70'	63.50'	60.75'	59.00'
Harvey, Lake	62.90'	62.50'	60.25'	58.00'
Josephine, Lake	47.50'	46.00'	42.75'	40.00'

LeClare, Lake	53.50'	52.00'	49.50'	47.00'
Pretty Lake	46.70'	45.50'	42.75'	40.00'
Rock Lake	48.00'	46.00'	42.75'	40.00'
Starvation Lake	55.00'	53.00'	50.00'	48.00'
Turkey Ford Lake	55.00'	54.00'	51.50'	50.00'
Virginia Lake	63.00'	62.50'	60.25'	58.00'

DOUBLEBRANCH CREEK WATERSHED

Hixon Lake	37.00'	36.50'	33.25'	31.00'
Unnamed Lake #1 2 28S 17E	38.90'	37.50'	35.00'	34.50'
Unnamed Lake #2 2 28S 17E	38.90'	37.50'	35.00'	34.50'

BROOKER CREEK WATERSHED

Artillery, Lake 3 27S 17E	44.50'	44.00'	40.50'	39.00'
Buck Lake	35.50'	35.00'	32.00'	29.50'
Crescent Lake	44.20'	42.50'	40.00'	38.50'
Elizabeth Lake	54.00'	53.00'	51.00'	49.00'
Fern, Lake	48.00'	46.00'	43.00'	41.50'
Frances, Lake	42.50'	40.50'	38.00'	36.00'
Garden Lake	35.00'	32.00'	29.00'	26.50'
Horse Lake	48.40'	46.50'	44.00'	42.00'
Island Ford Lake	42.30'	41.50'	39.00'	37.00'
Jackson, Lake	36.00'	33.50'	31.00'	29.00'
James Lake 23 27S 17E	47.70'	46.50'	43.50'	42.00'
Keystone Lake	43.20'	42.00'	39.75'	39.00'
Little Lake 23 27S 17E	47.70'	46.50'	43.50'	42.00'
Mound Lake	51.60'	51.00'	48.00'	46.00'
Raleigh, Lake	43.30'	42.50'	38.00'	35.00'
Rogers, Lake				
NO LEVELS RECOMMENDED				
Taylor, Lake	39.70'	39.25'	36.75'	34.75'
Velburton Lake	41.50'	40.00'	37.25'	35.00'

ANCLOTE RIVER WATERSHED

Dan, Lake	35.00'	32.00'	28.00'	25.00'
Hiawatha, Lake	52.50'	50.50'	48.00'	45.00'
Osceola, Lake	47.40'	46.50'	44.50'	42.50'

(m) In Lake County Within the Green Swamp Basin

(n) In Levy County Within the Withlacoochee River Basin

Marion, Lake S02 T14 R17	56.60'	53.00'	50.50'	48.50'
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(o) In Manatee County Within the Manasota Basin

(p) In Marion County Within the Withlacoochee River Basin

Bonable, Lake S31 T15 R18	65.10'	64.00'	61.50'	59.50'
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Little Bonable, Lake S30 T15 R18	59.80'	58.00'	55.50'	53.50'
Tiger, Lake S32 T15 R18	65.10'	64.00'	61.50'	59.50'
(q) In Pasco County Within the Coastal Rivers Basin LAKES				
Crews Lake S16 T24S R18E	57.00'	55.00'	52.00'	50.00'
Garden Lake S16 T25S R16E	22.10'	19.00'	16.25'	15.75'
Moon Lake S28 T25S R17E	41.00'	40.50'	37.50'	35.50'
Pasco Lake S22 T24S R18E	67.50'	67.00'	64.00'	62.00'
Pierce Lake S9 T25S R18E	73.60'	73.00'	70.00'	68.00'
Richey Lake S3 T26S R16E	14.10'	13.00'	10.00'	8.00'
Unnamed Lake No. 22 S27 T24S R18E	62.60'	62.50'	59.50'	57.50'
Worrell, Lake (Bass Lake) S26 T25S R16E	22.10'	19.00'	16.25'	15.75'
(r) In Pasco County Within the Green Swamp Basin (s) In Pasco County Within the Hillsborough River Basin LAKES				
Bell Lake S13 T26S R18E	72.53'	72.50'	70.00'	69.00'
Bird Lake S30 T25 R19	67.70'	67.50'	65.00'	63.00'
Catfish Lake S19 T26S R19E	68.72'	68.00'	65.50'	63.50'
Cow (East) Lake S19 T26S R19E	78.63'	78.50'	76.00'	75.00'
Floyd, Lake S36 T26 R19	68.41'	68.50'	66.00'	64.00'
Gooseneck, Lake S29 T26 R19	75.10'	73.50'	71.00'	69.00'
Hancock, Lake S5 T24S R20E	107.48'	106.50'	104.00'	102.00'
Hog (Joyce) Lake S19 T26S R19E	76.66'	76.50'	73.50'	72.50'
Iola, Lake S15 T24S R20E	147.55'	147.50'	145.00'	142.50'
Jessamine, Lake S11 T24S R20E	144.18'	142.00'	138.00'	136.00'
JoAnn, Lake S30 T26 R19	68.72'	68.00'	65.50'	63.50'
King Lake S7 T26S R19E	73.58'	73.50'	71.50'	69.50'

King Lake (East) S22 T25S R20E	105.49'	105.25'	102.50'	100.00'
Middle Lake S4 T24S R20E	107.48'	107.00'	105.00'	103.00'
Moody Lake S10 T24S R20E	110.48'	110.00'	107.50'	105.50'
Myrtle, Lake S30 T26 R19	68.72'	68.00'	65.50'	63.50
Padgett, Lake S24 T26S R18E	71.34'	71.25'	69.00'	67.50'
Saxon Lake S30 T26S R19E	71.34'	71.25'	69.00'	67.50'
Tampa (Turtle) Lake S32 T26 R19	66.00'	65.50'	63.00'	61.00'
Toni, Lake S30 T26 R19	68.72'	68.00'	65.50'	63.50'
Twin, Lake S28 T26 R19	68.35'	67.50'	65.00'	63.00'
Unnamed <u>Lake</u> #26 S25 T26 R18	68.75'	68.00'	65.50'	63.50'
(t) In Pasco County Within the Pinellas-Anclote River Basin				
LAKES				
Bass Lake (Holiday) S34 T26E R17S	48.80'	48.75'	45.75'	45.00'
Big Lake Vienna 23 26 18	70.70'	70.25'	67.00'	65.00'
Fishing Lake S34 T26E R17S	48.80'	48.75'	45.75'	45.00'
Geneva Lake (Mud) S26 T26E R17S	51.20'	50.00'	48.00'	46.00'
Linda, <u>Lake</u> 26 26 18	67.30'	66.75'	64.00'	62.00'
Little Moss (Como) 35 26 18	67.00'	66.00'	63.00'	62.00'
Minniola, Lake S34 T26E R17S	51.20'	50.00'	48.00'	46.00'
Moss <u>Lake</u> 35 26 18	65.00'	64.00'	61.50'	59.00'
Parker Lake (Ann) S35 T26E R17S	48.80'	48.75'	45.75'	45.00'
Seminole, Lake S35 T26E R17S	49.20'	48.75'	46.00'	45.00'
Thomas, <u>Lake</u> 11 26 18	75.60'	75.00'	72.50'	71.50'
Wistaria, <u>Lake</u> 2 26 18	74.90'	74.00'	71.00'	69.00'
(u) In Pasco County Within the Withlacoochee River Basin				
LAKES				

Buddy, Lake	97.02'	94.50'	91.50'	90.00'
S17 T25S R21E				
Pasadena, Lake	97.02'	94.50'	91.50'	90.00'
S16 T25S R21E				
Clear Lake	127.90'	127.50'	125.25'	123.75'
S1 T25S R20E				
(v) In Pinellas County				
Within the Pinellas-Anclote				
River Basin				
LAKES				
Lake Tarpon	4.20'	3.80'	2.20'	1.00'
Sec. Twsp. Rng.				
7 27S 16E				
8 27S 16E				
16 27S 16E				
17 27S 16E				
18 27S 16E				
19 27S 16E				
20 27S 16E				
21 27S 16E				
28 27S 16E				
29 27S 16E				
30 27S 16E				
32 27S 16E				
33 27S 16E				
4 28S 16E				
(w) In Polk County Within				
the Alafia River Basin				
LAKES				
Scott, Lake	168.60'	168.00'	165.00'	164.25'
(x) In Polk County Within				
the Green Swamp Basin				
LAKES				
Agnes, Lake	135.20'	135.75'	134.75'	130.75'
Alfred, Lake	132.30'	130.75'	128.25'	126.25'
S30 T27S R26				
Arietta, Lake	144.00'	144.00'	141.00'	138.00'
Camp, Lake	133.40'	134.50'	132.00'	130.00'
Clearwater Lake	146.20'	143.50'	141.00'	139.00'
Cummings, Lake	131.50'	131.00'	127.50'	125.50'
S31 T27 R26				
Eva, Lake	132.30'	131.50'	129.00'	127.00'
S29 T27 R26				
Grassy Lake (Big Glades)	133.20'	132.00'	129.50'	128.00'
Griffin, Lake	132.30'	131.50'	129.00'	127.00'
S30 T27 R26				
Gum, Lake	132.60'	131.00'	128.50'	126.00'
Haines, Lake	129.70'	128.75'	126.50'	124.50'
Helene, Lake	144.80'	144.00'	141.00'	139.00'
Juliana, Lake	134.70'	132.50'	130.00'	127.50'
Little Lake Agnes	135.20'	136.00'	133.00'	131.00'

Little Van Lake	141.40'	139.00'	136.50'	135.50'
Mattie, Lake	134.70'	132.50'	130.00'	127.50'
Mud, Lake	141.80'	141.50'	137.75'	136.00'
Myrtle, Lake	141.70'	141.00'	138.50'	136.50'
Swoope, Lake	133.00'	132.50'	130.00'	128.00'
Tennessee, Lake	134.70'	134.00'	130.00'	128.00'
Van, Lake	133.00'	132.75'	130.00'	128.00'
Whistle, Lake	140.90'	137.50'	135.00'	133.75'

(y) In Polk County Within
the Hillsborough River
Basin

LAKES

Bonnet, Lake	146.40'	148.00'	145.00'	142.50'
Hunter, Lake	162.30'	162.75'	160.25'	159.00'

(z) In Polk County Within
the Peace River Basin

<u>Ada, Lake</u>	123.80'	123.00'	120.00'	118.00
S33 T28 R27				
<u>Altamaha, Lake</u>	122.60'	122.50'	120.00'	118.00'
S11 T30 R27				
Amoret Lake	115.50'	115.25'	113.00'	111.00'
24 30 27				
Annie, Lake	122.10'	119.00'	116.00'	114.00'
S3 T29S R27E				
Arianna, Lake	137.10'	137.00'	134.50'	132.50'
3 28 25E				
Aurora, Lake	103.30'	100.00'	97.00'	95.00'
13 30 28				
Banana, Lake	106.75'	106.50'	103.50'	102.00'
10 29 24E				
Belle, Lake	123.60'	120.00'	117.00'	115.00'
11 30 27				
Bess, Lake	125.50'	125.25'	123.00'	121.00'
18 29S 27E				
Big Gum Lake	95.50'	95.00'	92.00'	89.00'
26 29 R28				
<u>Blue, Lake</u>	149.80'	149.00'	146.50'	144.50'
S13 T28 R25				
Blue, Lake	118.00'	117.00'	114.00'	—
24 30S 27E				
<u>Bonnie, Lake</u>	113.30'	113.00'	110.00'	108.00'
S31 T29 R28				
Bonny, Lake	130.90'	130.50'	128.00'	126.00'
20 28S 24E				
<u>Buckeye, Lake</u>	130.10'	129.00'	126.00'	124.50'
S22 T28S R26E				
Buffum, Lake	132.75'	132.25'	129.25'	—
12 31S 26E				
Cannon, Lake	132.60'	132.00'	129.50'	127.00'
19 28S 26E				
Clinch, Lake	108.00'	106.75'	104.00'	102.50'
31 31S 28E				

Connie, Lake 9 28S 26E	129.70'	128.75'	126.50'	124.50'
Cooper (Worth) S02 T30 R27	124.20'	123.50'	121.00'	119.00'
Crooked, Lake 1 31S 27E	122.60'	122.00'	118.50'	—
Cyrstal Lake S02 T30 R27	121.40'	121.25'	118.00'	115.00'
Crystal Lake S21 T28 R27	122.90'	122.00'	119.00'	117.00'
Crystal Lake 23 29S 26E	130.00'	129.50'	127.00'	125.00'
Cypress Lake 36 29 28E	100.20'	98.50'	95.00'	93.00'
Lake Daisy S6 T29 R27	130.90'	130.00'	127.00'	126.00'
Lake Deer 25 28 25E	141.30'	140.75'	138.50'	136.50'
Dell Lake S28 T28 R27	125.70'	123.75'	121.50'	119.50'
Lake Dexter S2 T29 R26	132.20'	132.00'	129.00'	127.50'
Dinner, Lake 15 29S 27E	120.90'	118.50'	116.00'	114.00'
Lake Eagle Lake 1 29 25E	131.00'	130.75'	128.50'	126.50'
Easy, Lake 19 30 28	115.50'	115.25'	113.00'	111.00'
Echo Lake S05 T28 R26	132.30'	131.00'	128.00'	126.00'
Effie, Lake 3 30 27	119.60'	118.00'	115.00'	113.00'
Elbert Lake S22 T28 R26	137.50'	135.50'	133.00'	131.50'
Eloise, Lake 3 29S 26E	132.60'	132.00'	129.50'	127.00'
Fannie, Lake 11 28S 26E	127.00'	125.75'	123.50'	120.00
Lake Florence S35 T28 R26	128.80'	128.75'	127.00'	125.00'
Lake Fox S6 T29 R27	135.20'	135.00'	132.00'	131.00'
Garfield, Lake 5 30 26E	105.70'	104.75'	101.00'	100.00'
Gator, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'
George Lake S06 T28 R26	130.70'	130.00'	127.50'	125.50'
Gibson, Lake 25 27S 23E	144.20'	143.50'	141.50'	141.50'

Gordon, <u>Lake</u>	121.30'	119.00'	116.00'	114.00'
S16 T28 R27				
Lake Grassy	134.80'	129.00'	126.50'	125.50'
2 29 25E				
Lake Gross (Grassy)	138.50'	136.00'	133.50'	132.00'
S14 T29 R26				
Hamilton, Lake	122.50'	121.50'	119.00'	117.25'
18 28S 27E				
Hancock, Lake	102.40'	99.00'	96.00'	94.00'
8 29S 25E				
Hart, Lake	124.70'	124.50'	122.00'	120.00'
24 29S 26E				
Hartridge, lake	132.60'	132.00'	129.50'	127.00'
8 28S 26E				
Henry, Lake	160.10'	159.00'	156.00'	154.00'
16 31S 26E				
Henry, Lake	127.00'	126.50'	124.50'	122.50'
36 27S 26E				
Hickory, Lake	98.50'	98.50'	96.00'	94.00'
17 32S 28E				
Howard, Lake	132.60'	132.00'	129.50'	127.00'
30 28S 26E				
Ida, Lake	80.00'	79.00'	76.50'	75.00'
28 31S 28E				
Ida, <u>Lake</u>	136.70'	135.25'	132.00'	130.50'
S17 T28 R26				
Idyl, <u>Lake</u>	134.90'	134.00'	131.50'	130.00'
S16 T28 R26				
Idylwild, Lake	132.60'	132.00'	129.50'	127.00'
18 28S 26E				
Jessie, Lake	132.60'	132.00'	129.50'	127.00'
12 28S 25E				
Josephine, Lake	121.30'	120.00'	116.50'	114.50'
13 30 27				
Josephine, <u>Lake</u>	124.10'	121.50'	118.00'	116.50'
S27 T28 R27				
Lee, <u>Lake</u>	123.50'	123.50'	121.50'	120.00'
S16 T28 R27				
Lena, Lake	137.10'	137.00'	134.50'	132.50'
9 28S 25E				
Leonore, Lake	87.40'	87.00'	84.50'	83.00'
10 31S 28E				
Link, Lake	128.70'	128.00'	125.00'	123.00'
27 28S 26E				
Little Aurora	103.30'	100.50'	98.00'	96.00'
Lake (Iris)				
13 30 28				
Little Gum Lake	96.80'	96.50'	94.00'	92.00'
35 29S 28E				
Little Lake Hamilton	122.50'	121.50'	119.00'	117.25'
5 28S 27E				

LuLu, Lake 4 29S 26E	132.60'	132.00'	129.50'	127.00'
Lee, Lake 10 29S 27E	122.10'	119.00'	116.00'	114.00'
Lake McLeod 7 29 26E	133.10'	132.00'	129.50'	128.00'
Mabel, Lake 11 29S 27E	114.50'	110.75'	107.00'	105.00'
Mariam, Lake 27 28S 26E	–	124.75'	122.75'	121.00'
Marie, <u>Lake</u> S27 T28 R27	121.00'	121.00'	118.00'	116.00'
Martha, <u>Lake</u> S21 T28 R26	142.50'	142.00'	139.00'	137.00'
Maude, <u>Lake</u> S21 T28 R26	141.70'	140.50'	137.50'	136.00'
May, Lake 29 28S 26E	132.60'	132.00'	129.50'	127.00'
Medora, <u>Lake</u> S36 T27 R25	140.40'	138.00'	134.50'	133.00'
Menzie, <u>Lake</u> S28 T28 R27	127.00'	122.00'	120.00'	118.00'
Middle Lake Hamilton 7 28S 27E	122.50'	121.50'	119.00'	117.25'
Lake Millsite 11 29 25E	125.30'	123.50'	121.00'	119.00'
Mirror, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Moody, Lake 17 31S R28E	92.80'	93.50'	91.00'	89.00'
Myrtle, Lake 19 29S 27E	118.70'	118.50'	116.50'	114.50'
Lake Ned S1 T29S R26	129.60'	128.50'	126.00'	124.00'
North Lake Wales S01 T30 R27	116.80'	115.00'	112.00'	110.00'
Otis, Lake 28 28S 25E	128.70'	128.00'	125.00'	123.00'
Pansy, <u>Lake</u> S08 T28 R26	130.00'	129.00'	126.50'	124.50'
Parker, Lake 32 29S 27E	122.50'	122.00'	119.50'	117.50'
Parker, Lake 8 28 24E	131.60'	131.00'	128.75'	127.50'
Parks, Lake 36 29S 28E	104.50'	102.50'	100.00'	98.00'
Polecat, Lake 27 30S 26E	142.40'	142.00'	139.50'	137.50'
Reedy, Lake 35 31S 28E	80.00'	79.75'	77.25	75.25'

Reeves, Lake 13 29S 26E	125.10'	124.50'	122.00'	120.00'
Lake River S1 T29 R26	141.60'	139.50'	136.00'	134.00'
Rochelle, Lake 4 28 26E	129.70'	128.75'	126.50'	124.50'
Round, Lake 13 29S 26E	129.40'	129.25'	126.50'	124.50'
Roy, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Ruby, Lake 12 29S 26E	125.50'	125.25'	123.00'	121.00'
Ruth, <u>Lake</u> S28 T28 R27	123.50'	121.50'	117.50'	115.50'
Saddlebag, Lake 6 30S 29E	106.80'	105.00'	102.00'	100.00'
Saint Anne Lake 14 30 28	97.50'	96.00'	93.00'	91.00'
Sanitary (Marianna), <u>Lake</u> S01 T28 R25	138.60'	137.50'	135.00'	133.00'
Sara, <u>Lake</u> S17 T28 R27	122.50'	121.50'	119.00'	117.25'
Scott, Lake 18 29S 24E	168.60'	168.00'	165.00'	164.25'
Lake Sears 36 28 25E	143.20'	141.00'	138.00'	136.00'
Serena, <u>Lake</u> S12 T30 R27	125.30'	118.00'	115.00'	113.00'
Shipp, Lake 32 28S 26E	132.60'	132.00'	129.50'	127.00'
Silver, Lake 5 32S 28E	105.00'	103.00'	100.50'	98.50'
Silver, <u>Lake</u> S20 T28 R26	147.10'	146.50'	144.00'	142.00'
Smart, Lake 9 28S 26E	129.70'	128.75'	126.50'	124.50'
Lake Spirit 35 28 25E	134.10'	131.50'	129.00'	127.00'
Spring, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Starr, Lake 14 29 27	115.50'	113.00'	110.00'	108.00'
Streety Lake 24 32S 27E	108.70'	105.50'	102.50'	101.00'
Summit, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Sunset Lake 10 30 28	101.10'	98.00'	95.50'	93.50'
Surveyors, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'

Thomas, Lake 1 30E 28E	104.20'	99.50'	97.00'	95.00'
Lake Thomas 35 28 25E	135.60'	132.00'	128.00'	126.00'
Tractor Lake 14 30 27	125.00'	123.25'	121.00'	119.00'
Trask, <u>Lake</u> S22 T28 R27	114.90'	113.00'	108.00'	106.00'
Trout, Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Twin Lakes S11 T30 R27	124.10'	123.75'	120.00'	118.00'
Venus, Lake 9 29S 27E	126.10'	125.00'	122.00'	120.00'
Wales, <u>Lake</u> S01 T30 R27	114.10'	112.50'	110.00'	108.00'
Walker, Lake 21 30S 26E	143.00'	141.00'	137.00'	135.00'
Warren, <u>Lake</u> S11 T30 R27	124.60'	123.50'	121.00'	119.00'
Weader (Weaver), <u>Lake</u> S03 T30 R27	122.00'	121.75'	119.00'	117.00'
Winterset, Lake 11 29S 26E	132.60'	132.00'	129.50'	127.00'
(aa) In Sarasota County Within the Manasota Basin				
(bb) In Sumter County Within the Green Swamp Basin				
(cc) In Sumter County Within the Withlacoochee River Basin				
LAKES				
Big Gant <u>Lake</u> S14 T22S R22E	76.50'	76.25'	74.50'	72.50'
Black <u>Lake</u> S23 T18S R23E	56.70'	55.00'	53.00'	51.00'
Cherry <u>Lake</u> S24 T18S R23E	56.70'	55.00'	53.00'	51.00'
Deaton, <u>Lake</u> S14 T19S R23E	65.50'	65.00'	62.00'	60.00'
Miona, <u>Lake</u> S27 T18S R23E	56.70'	55.00'	53.00'	51.00'
Okahumpka, <u>Lake</u> S21 T19S R23E	59.90'	58.75'	56.25'	54.00'
Panasofkee, <u>Lake</u>	42.80'	42.50'	39.50'	38.50'

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History--New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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: August 24, 2004

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004 and April 23, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations RULE CHAPTER NO.: 60A-1

RULE TITLE: Purchase of Commodities and Contractual Services RULE NO.: 60A-1.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to update form PUR 1001 to clarify matters regarding public records.

SUMMARY: The amended form alerts potential vendors to the state's broad public records law.

SPECIFIC AUTHORITY: 287.042 FS.

LAW IMPLEMENTED: 287.042, 287.057 FS.

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

TIME AND DATE: 2:00 p.m., November 15, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, e-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.002 Purchase of Commodities and Contractual Services.

(1) through (6) No change.

(7) All formal solicitations issued by an agency shall include the standard "General Contract Conditions" Form PUR 1000 (08/04), and the standard "General Instructions to Respondents" Form PUR 1001 (11/04) (~~08/04~~), each of which is hereby incorporated by reference. The forms are available on the internet at <http://dms.myflorida.com/purchasing>.

(a) through (b) No change.

Specific Authority 287.042 FS. Law Implemented 287.042, 287.057 FS. History--New 5-20-64, Amended 4-4-67, Revised 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, Revised 11-14-79, Amended 8-18-80, 8-6-81, 10-13-83, 3-1-84, 3-14-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.02, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.002, Amended 4-24-94, 1-9-95, 1-1-96, 3-21-96, 9-23-96, 7-6-98, 1-2-00, 10-3-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Hurley, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Disciplinary Guidelines; Range of Penalties; RULE NO.:

Aggravating and Mitigating Circumstances

61G1-12.004

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the minimum and maximum penalties that the Board may impose on a licensee who fails to timely provide proof of the core courses or passing the equivalency test of the Building Code Training Program, as required by Section 481.215(5), Florida Statutes.

SUMMARY: The proposed rule amendment specifies disciplinary guidelines that shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of referenced statutes and rules.

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

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

SPECIFIC AUTHORITY: 455.2273 FS.
LAW IMPLEMENTED: 455.227(1), 455.2273 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

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

(bb) Failure to timely provide proof of completion of the core courses or passing the equivalency test of the Building Code Training Program (481.215(5), F.S.) Fine based on length of time since proof was to have been submitted with a \$500 minimum plus \$100/month to \$5000 maximum with suspension until proof of compliance is submitted \$5000 fine and one (1) year suspension

(3) No change.

Specific Authority 455.2273 FS. Law Implemented 455.227(1), 455.2273 FS. History-New 12-11-86, Formerly 21B-12.004, Amended 5-15-94, 10-20-96, 10-7-99, 6-8-00, 9-10-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Citations RULE NO.: 61G1-12.005
PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth fines and penalties that may be imposed through the issuance of a citation due to violations by licensees who fail to timely provided proof of completion of the core courses or passing the equivalency test of the Building Code Training Program, as required by Section 481.215(5), Florida Statutes.

SUMMARY: The proposed rule amendment specifies disciplinary dispositions through the imposition of fines and penalties via citation upon licensees for violation of referenced statutes and rules.

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

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

SPECIFIC AUTHORITY: 455.2273 FS.
LAW IMPLEMENTED: 455.227(1), 455.2273 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.005 Citations.

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

(d) Failure to timely provide proof of completion of the core courses or passing the equivalency test of the Building Code Training Program (481.215(5), F.S.) \$500 fine and suspension until proof of compliance is submitted

(4) through (5) No change.

Specific Authority 455.224, 455.225, 481.306 FS. Law Implemented 455.224 FS. History-New 12-22-91, Amended, 1-3-93, 3-28-93, Formerly 21B-12.005, Amended 11-16-93, 5-4-97, 2-25-98, 12-3-98, 6-30-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Board Approval of Continuing Education Providers RULE NO.: 61G10-18.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate additional requirements to be met relating to the submission of an application for continuing education provider status by first time provider applicants, or providers who have been previously approved but failed to renew in a timely manner.

SUMMARY: Relating to the business entity, the proposed rule amendment outlines the specifics of the required questionnaire form as a supplement to an application for continuing education provider status.

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

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

SPECIFIC AUTHORITY: 455.2124, 455.2179, 481.306, 481.313 FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.002 Board Approval of Continuing Education Providers.

(1) through (2) No change.

(3) First time Provider Applicants, or Providers who have been previously approved, but failed to renew in a timely manner shall answer the following questions as they relate to the business entity making application on a separate sheet of paper, to be attached to and included with the application: A form for providing this information is available for your convenience from the Board Office or may be printed from the Board Web Site at MyFlorida.com./dbpr.

(a) Are you an individual seeking provider status, a business entity seeking provider status, a professional organization seeking provider status, a governmental entity seeking provider status, or an educational facility seeking provider status?

(b) What is the scope of your business?

(c) How long has the applicant been in the continuing education business?

(d) If you are a business or professional organization, are you an international company or organization, a national company or organization, a regional company or organization, or a local company or organization?

(e) Are you directly or indirectly affiliated with the profession of Landscape Architecture? (i.e. An irrigation firm is directly affiliated; an insurance company is indirectly affiliated.)

(f) Do you provide continuing education services to any other Boards, or to other professions?

(g) If you are not a business, but an individual, please attach a resume listing your education and work experience.

(4)(3) No change.

Specific Authority 455.2124, 455.2179, 481.306, 481.313 FS. Law Implemented 455.2179, 481.313, 553.841 FS. History-New 9-19-01, Amended 6-6-02, 4-13-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Examination of Licensure

RULE NO.: 64B4-3.003

PURPOSE AND EFFECT: The proposed rule amendment adds language regarding the conditions that an applicant for licensure as a mental health counselor must meet in order to be considered for exemption from the requirement of taking the theory and practice of paragraph 64B4-3.003(3)(b), F.A.C., of the licensure examination.

SUMMARY: The rule sets forth guidelines for eligibility for examination of licensure, including the theory and practice examination requirements for clinical social workers, mental health counselors, and marriage and family therapists.

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: 456.017(1)(c), 491.004(5) FS.

LAW IMPLEMENTED: 456.017(1)(c), 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.003 Examination for Licensure.

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

(b) MENTAL HEALTH COUNSELORS.

1. The National Clinical mental health Counseling Examination (NCMHCE) shall be a clinical simulation examination developed by the National Board for Certified Counselors (NBCC). All options are given a weight based upon the level of appropriateness for good client care. The minimum pass level shall be the recommended cut-off score provided by the NBCC and established according to a content-based modified Angoff procedure.

2. An applicant for licensure as a mental health counselor is not required to take the theory and practice paragraph 64B4-3.003(3)(b), F.A.C., of the licensure examination if the following conditions are met:

a. The applicant has taken the National Clinical Mental Health Counseling Examination (NCMHCE) within the last five years; and

b. The applicant earned the national passing score on the NCMHCE.

3. An applicant for licensure as a mental health counselor is not required to take the theory and practice of paragraph 64B4-3.003(3)(b), F.A.C., of the licensure examination if the following requirements are met:

a. The applicant has taken the National Counselor Examination (NCE) developed by the National Board of Certified Counselors prior to January 1, 2001; and

b. The applicant earned the national passing score of the NCE within five years of application for licensure.

(c) No change.

Specific Authority 456.017, 491.004(5) FS. Law Implemented 456.017, 491.005 FS. History--New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99, 1-11-00, 7-2-00, 8-24-00, 10-15-02, 7-8-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 2004

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Continuing Education Provider

RULE NO.:

Application Fee 64B4-4.009

PURPOSE AND EFFECT: The proposed rule amendment incorporates wording that clearly states the non-refundable policy regarding the application fee.

SUMMARY: The non-refundable application fee for Board approval of a continuing education provider shall be \$200.00 for each licensure biennium for which the provider seeks approval.

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

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

SPECIFIC AUTHORITY: 491.0085, 491.004 FS.

LAW IMPLEMENTED: 491.0085(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.009 Continuing Education Provider Application Fee.

The nonrefundable application fee for Board approval of a continuing education provider shall be \$ 200 for each licensure biennium for which the provider seeks approval.

Specific Authority 491.0085, 491.004 FS. Law Implemented 491.0085(2) FS. History--New 4-3-89, Formerly 21CC-4.009, 61F4-4.009, 59P-4.009, Amended 12-21-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling

DATES PROPOSED RULE APPROVED BY AGENCY
HEAD: August 19-20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Renewal of Active License

RULE NO.:
64B4-6.001

PURPOSE AND EFFECT: The proposed rule amendment
incorporates new language regarding required course subjects
for approved continuing education credits.

SUMMARY: In addition to the previously noted subjects
encompassed in the completion of 30 hours of continuing
education credits, a licensee must complete two hours on the
prevention of medical errors and three hours relating to
professional ethics and boundary issues.

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: 456.013(6), 456.031(1)(a),
491.004(5), 491.007(2) FS.

LAW IMPLEMENTED: 456.013(6), 456.031(1)(a),
491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Susan Foster, Executive Director,
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling 4052 Bald Cypress Way, Bin
#C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.001 Renewal of Active License.

(1) No change.

(2) A licensee shall not be required to complete continuing
education for the first renewal of licensure. For each
subsequent renewal:

(a) A licensee must complete 30 hours of approved
continuing education credit including: two hours on the
prevention of medical errors; three hours relating to
professional ethics and boundary issues; and 1 hour on
domestic violence during the two-year period ending on the
last day of the biennial renewal period. In lieu of the domestic
violence course, a licensee may complete a course in end of
life care and palliative health care if the licensee has completed
an approved domestic violence course in the immediately
preceding biennium.

(b) through (c) No change.

(3) through (4) No change.

Specific Authority 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS. Law
Implemented 456.013(6), 456.031(1)(a), 491.007(2) FS. History—New 4-4-89,
Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly
61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended
2-9-99, 2-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling

DATES PROPOSED RULE APPROVED BY AGENCY
HEAD: August 19-20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 20, 2004

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Approved Courses for Continuing Education

RULE NO.:
64B4-6.002

PURPOSE AND EFFECT: The proposed rule amendment
updates name changes for certain entities regarding approved
continuing education programs.

SUMMARY: The rule sets forth the criteria for approved
courses for continuing education requirements.

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: 456.013(6), 491.004(5), 491.0085
FS.

LAW IMPLEMENTED: 456.013(6), 491.0085(1), 491.007(2)
FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.002 Approved Courses for Continuing Education.

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

(e) Continuing education programs offered and approved by the following entities as long as such entities impose requirements similar to or more stringent than those imposed by the Board in subparagraphs 64B4-6.004(2)(a)1.-5., F.A.C.:

1. No change.

2. American Association of Sex Educators Counselors and Therapists (AASECT) ~~American Society of Sex Educators and Therapists (ASECT);~~

3. through 15. No change.

16. Association of Marital and Family Therapy Regulatory Boards (AMFTRB) ~~American Marriage and Family Therapy Regulatory Boards (AMFTRB).~~

The Board shall annually review the continuing education program approval criteria of the above-referenced entities.

(2) through (5) No change.

Specific Authority 456.013(6), 491.004(5), 491.0085 FS. Law Implemented 456.013(6), 491.0085(1), 491.007(2) FS. History—New 4-4-89, Amended 10-16-90, 6-19-91, 9-2-91, 8-24-92, Formerly 21CC-6.002, Amended 1-9-94, Formerly 61F4-6.002, Amended 10-4-94, 12-22-94, 1-7-96, 12-29-96, Formerly 59P-6.002, Amended 12-11-97, 2-9-99, 8-9-00, 6-30-02, 7-8-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
 DATES PROPOSED RULE APPROVED BY AGENCY HEAD: August 19-20, 2004

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE TITLE: Siting RULE NO.: 65B-6.014

PURPOSE AND EFFECT: To implement the provisions of 393.501(2), F.S., requiring the department to adopt rules addressing the number of facilities on a single parcel and adjacent parcels of land. This proposed rule would, for facilities licensed or established after the effective date of the

rule, limit the number of residential facilities able to be licensed on a single parcel and adjacent parcels of land based on criteria defined within this rule.

(This publication of Proposed Rulemaking is currently being promulgated under Florida Administrative Code, Chapter 65. However, with the creation of the new Agency for Persons with Disabilities on October 1, 2004, a specific chapter within Florida Administrative Code will be created. This rule then will at that time transfer to the chapter specified for the Agency for Persons with Disabilities.)

SUMMARY: Same as written within the purpose and effect.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 393.067, 393.501 FS.

LAW IMPLEMENTED: 393.063, 393.066, 393.13, 393.501 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: Wednesday, November 17, 2004, 10:00 a.m. – 12:00 Noon

PLACE: 1317 Winewood Blvd., Building 3, 3rd Floor, Room 313, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Rice, Agency for Persons with Disabilities, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)414-7649

THE FULL TEXT OF THE PROPOSED RULE IS:

65B-6.014 Siting.

(1) This rule applies to community residential homes licensed by the Department of Children and Families – Developmental Disabilities Program pursuant to Section 393.067, Florida Statutes and Rule 65B-6.014, F.A.C.

(2) Definitions.

(a) “Community residential home” means a dwelling unit licensed to serve clients of the Department of Children and Families – Developmental Disabilities Program, which provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(b) "Dwelling unit" means a structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.

(c) "Facility" means a community residential home licensed by the Department of Children and Families – Developmental Disabilities Program as described within Section 393.067, F.S., and Chapter 65B-6, F.A.C.

(d) "Lot" means a parcel or tract of land described by reference to recorded plats or by metes and bounds, or the least fractional part of subdivided lands having limited fixed boundaries or an assigned number, letter, or any other legal description by which it can be identified.

(e) "Parcel" means a platted or unplatted lot, tract, unit, or other subdivision of real property within a community.

(3) All facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule must fully comply with the requirements of Section 419.001, Florida Statutes, to the extent applicable.

(4) After the effective date of this rule, only one (1) residential facility may be sited on a single parcel of land. An applicant may seek an exception to this requirement in the following circumstances: if the facilities are located on a single parcel but are each located on a part of the parcel that is separated from the other parts of the parcel by a body of water or a limited access highway (not intended for an individual to cross on foot, or bicycle, by motor vehicle or other means of transport conveyance) that divides the parcel and separates the facilities. Approval by the Director of the Developmental Disabilities Program Office or his/her designee must be obtained prior to licensure under this exception.

(5) After the effective date of this rule, residential facilities may be sited on no more than two (2) adjacent parcels of land. An applicant may seek an exception to this requirement in the following circumstances: if the parcels are separated by a body of water or a limited access highway (not intended for an individual to cross on foot, or bicycle, by motor vehicle or other means of transport conveyance) that divides the parcels and separates the facilities. Approval by the Director of the Developmental Disabilities Program Office or his/her designee must be obtained prior to licensure under this exception.

(6) Even with the aforementioned exceptions described within paragraphs (4) and (5) of this rule, there shall be no more than three (3) facilities within a radius of 1,000 feet.

(7) For purposes of this rule, distance shall be measured along a radius from the center of the actual parcel (where the new proposed residential facility is to be located) in all directions. The facility seeking initial licensure or a change in an existing license shall be included in the computation of numbers of facilities within a 1,000 foot radius.

Specific Authority 393.067, 393.501 FS. Law Implemented 393.063, 393.066, 393.13, 393.501 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Rice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kerry Schoolfield, Supervisor of Tom Rice/Shelly Brantley, Agency Head
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
Terms and Conditions of Loan	67-32.006
Scoring, Ranking, and Funding Guidelines	67-37.007
EHCL Credit Underwriting Procedures	67-32.009
Fees	67-32.011

PURPOSE, EFFECT AND SUMMARY: Pursuant to Florida Statutes, Chapter 420.5087(3)(d), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

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

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert Dearduff, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-32.002 Definitions.

For the purposes of this rule the following definitions shall apply:

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, Florida Statutes.

(2) "Applicant" means any person or entity, public or private, for-profit or not-for-profit that provides Housing for the Elderly who is requesting funding from the Elderly Housing Community Loan Program (EHCL).

(3) "Application" means the completed forms together with all exhibits submitted to Florida Housing in accordance with this rule chapter for the purpose of requesting funds from the EHCL Program.

(4) "Application Package" means the forms, threshold requirements, instructions and other information necessary for submission of an Application to Florida Housing for the EHCL Program.

(5) "Corporation" or "~~FHFC~~" or "Florida Housing" means the Florida Housing Finance Corporation.

(6) "Development," "~~Project,~~" or "Property" means the rental housing unit or units to be repaired or improved by the funds received from the Program.

(7) "EHCL" or "EHCL Program" or "Program" means the Elderly Housing Community Loan Program created pursuant to Section 420.5087(3)(d), F.S.

(8) "Elderly" means elderly as defined in Section 420.503, F.S.

(9) "Housing for the Elderly" means any housing community as defined in Section 420.503, F.S.

(10) "Received" means delivery by hand, U.S. Postal Service, or other courier service, unless otherwise indicated, to the offices of the Florida Housing no later than 5:00 p.m., Eastern time, on the day of the Application deadline.

(11) "Review Committee" means a committee of Florida Housing staff and one Department of Community Affairs person who will make recommendations to Florida Housing's Board of Directors regarding Program participation.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 2-25-96, Formerly 91-32.002, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, 5-5-03, _____.

67-32.006 Terms and Conditions of Loan.

(1) The loan shall be in compliance with this rule chapter and the Act, and loan documents shall, at a minimum, contain the following terms and conditions:

(a) The loan shall be non-amortizing and shall have an interest rate of one percent;

(b) Repayment of principal and interest shall be deferred until maturity of the note;

(c) The loan term shall not exceed fifteen years but may be for a shorter period of time as recommended by the credit underwriter.

(d) The Applicant shall certify annually to the Corporation that the Development is providing Housing for the Elderly as defined herein.

(2) Unless otherwise approved by the Corporation, the loan must close within 6 months of the date of issuance of the firm EHCL loan commitment.

(3) The loan shall not be assumable upon Development sale, transfer or refinancing of the Development, unless approved by the U.S. Department of Housing and Urban Development (HUD).

(4) If the loan is repaid due to sale, transfer, or refinancing of the Development, all available proceeds shall be applied to pay the following items in order of priority:

(a) First mortgage debt service and fees;

(b) Expenses of the sale;

(c) EHCL principal and accrued interest.

(5) Florida Housing or an authorized representative of Florida Housing shall monitor compliance of all terms and conditions of the loan as provided in the loan documents.

(6) Insurance shall be maintained on the Development as determined by the first mortgage lender, but which shall, in any case, include fire and hazard insurance, with Florida Housing listed as a loss payee, in an amount sufficient to cover the amount of the EHCL loan and all superior mortgage loans and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective September 10, 2002, which is adopted and incorporated herein by reference.

(7) Any violation of the terms and conditions required by Rule Chapter 67-32, F.A.C., or the loan documents constitutes a default under the loan documents allowing Florida Housing to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 91-32.006, Amended 11-9-98, Repromulgated 1-2-00, Amended 12-31-00, 3-17-02, 5-5-03, _____.

67-32.007 Scoring, Ranking, and Funding Guidelines.

(1) Each Application received by the Application deadline shall be scored by Florida Housing staff based on the factors specified in the Application Package. Preliminary scores shall be transmitted to all Applicants.

(2) Failure to submit an Application following instructions provided in the Application Package and this rule chapter will result in rejection of the Application or a score less than the maximum available.

(3) With the exception of those items specified in the Application as mandatory elements which cannot be changed once the Application deadline has passed, Applicants will have 15 days from the date Florida Housing sends the preliminary scores to the Applicant to submit additional documentation, revised pages, and any such information the Applicant deems appropriate to address issues raised during scoring that could result in rejection of the Application or a score less than the maximum available. Where specific pages of the Application are revised or additional information is provided, each new page must be marked "revised" and an original and two copies of this additional documentation must be submitted by the deadline for Florida Housing to consider it in determining final scores. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except those documents signed by third parties shall be submitted in their entirety.

(4) Following the receipt and review of the documentation described in subsection (3) above, Florida Housing shall then prepare final scores. In determining the final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the preliminary scores transmitted to the Applicant.

(5) The Review Committee shall prepare a scoring and ranking recommendation based on final scores and submit it to Florida Housing's Board of Directors for approval.

(6) Following the Board's action regarding the scoring and ranking, Florida Housing will transmit the scoring and ranking to each Applicant along with a notice of appeal rights.

(7) Following the Board's action on recommended orders received for all appeals resolved pursuant to Section 120.57, F.S., Florida Housing staff shall implement the Board's action by adjusting the scoring and ranking to reflect the outcome of the final orders.

(8) Applications shall be funded in the order of their scoring and ranking until all allocated funding has been awarded. However, an Application shall not be considered for funding if it does not meet threshold requirements as provided in the Application Package.

(9) Each Application received by the Application Deadline will be assigned an Application number. Each Application that is assigned an Application number will receive a lottery number at or prior to the issuance of final scores. Lottery numbers will be assigned by having Florida Housing's internal auditors run the total number of assigned Application numbers through a random number generator program. Tie-breakers will be applied to Applications with tied scores in the order listed below. For purpose of this tie-breaker, "non-profit" is defined as an Applicant or Developer whose general partner is 100% non-profit and all partners are 100% non-profit. In addition, for purposes of this provision, a limited liability company will not be considered a nonprofit unless all of its members are 100% non-profit.

(a) Preference will be given to the Application from an Applicant that has not been previously funded through the Florida Housing EHCL program.

(b) Preference will be given to the Application from an Applicant that is 100% non-profit.

(c) Lottery – Preference will be given to the Application with the lowest lottery number.

(10) If an Applicant rejects an offer of funding, Florida Housing will offer the funding to remaining eligible Applications in order of ranking.

(11) An EHCL Application will not be funded if there are not enough funds available to fund at least 60% of the Application's request amount. In the event that an Application is not funded for this reason, a lower ranked Application will be considered for funding.

(12) After all eligible Applications have been funded, any funds which have not been awarded shall be made available to Applicants through a supplemental cycle under the State Apartment Incentive Loan Program.

(13) Any funds which have not been awarded after the supplemental cycle shall be made available to applicants under the State Apartment Incentive Loan Program.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Formerly 91-32.007, Amended 11-9-98, 1-2-00, Repromulgated 12-31-00, Amended 3-17-02, 5-5-03, _____.

67-32.009 EHCL Credit Underwriting Procedures.

(1) Following the appeals process, the Corporation shall issue preliminary commitment letters to those Applicants whose Developments were awarded final scores and ranking which placed them into the funding range.

(a) The preliminary commitment shall be subject to a positive recommendation by the Corporation's Credit Underwriter and approval by the Corporation's Board of Directors.

(b) The invitation to credit underwriting shall require that the Applicant submit the credit underwriting fee to the Credit Underwriter within 7 calendar days of the date of the invitation. The Corporation will, within the specified 7 calendar days, submit a copy of the Applicant's Application to the Credit Underwriter. Unless a written extension is obtained from the Corporation, failure to submit the fee by the specified deadline shall result in rejection of the Application.

(2) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer and Contractor.

(a) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time that the changes made ~~make~~ are prejudicial to the Development or if any discrepancy or misrepresentation is found, the Application will be rejected.

(b) If the Credit underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(3) The Credit Underwriter shall make a written report and recommendation to the Corporation.

(4) After approval of the Credit Underwriter's recommendation by the Board of Directors or a committee appointed by the Board, the Corporation shall issue a firm EHCL loan commitment.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History--New 5-5-03, Amended.

67-32.011 Fees.

(1) The following fees are required in conjunction with the Program:

~~(a) Application Package fee of \$20 payable to Florida Housing.~~

~~(a)(b)~~ Application fee of \$50 payable to Florida Housing for each Application submitted.

~~(b)(e)~~ Credit underwriting fee pursuant to contract between Florida Housing and the credit underwriter payable to the credit underwriter on or before the seventh calendar day following issuance of the preliminary commitment letter. The Credit Underwriter will not begin credit underwriting until this fee has been paid. If a Development involves units at scattered sites within a single county, a single credit underwriting fee shall be charged.

~~(c)(d)~~ A non-refundable commitment fee of \$250.00 payable to Florida Housing upon acceptance of the firm commitment. Applicants who provide a letter signed by the Applicant with an explanation of why funds will not be available prior to closing shall be permitted to pay the commitment fee at closing.

~~(d)(e)~~ Loan Servicing fees to be paid by the Applicant to the servicer pursuant to contract between Florida Housing and the servicer.

(2) Fees are part of Development cost and may be included as an eligible expense in determining total cost of the repairs or improvements.

(3) Failure to pay any fee shall cause the firm commitment to be terminated or shall constitute a default on the loan.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.507(19), 420.5087(3)(d) FS. History--New 10-2-89, Amended 2-25-96, Formerly 91-32.011, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Derek Helms, Program Manager, Elderly Housing Community Loan (EHCL) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1218

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Dearduff, Program Administrator, Elderly Housing Community Loan (EHCL) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004, Corporation Board of Director's Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-37.002
Local Housing Assistance Plans	67-37.005
Local Housing Assistance Trust Fund	67-37.008

PURPOSE, EFFECT AND SUMMARY: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to Local Governments as an incentive to create Partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

TIME AND DATE: 9:30 a.m., November 15, 2004

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert Dearduff, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-37.002 Definitions.

As used in this rule chapter, the following definitions shall apply:

(1) No change.

(2) "Annual Report" or "Form SHIP-AR/02-1" ~~means~~ is a report that is required to be completed and submitted to the Corporation by September 15 of each year pursuant to Section 420.9075(9), F.S., and is adopted and incorporated herein by reference with an effective date of 9-22-03. A complete copy of Form SHIP-AR/02-1 may be obtained at www.floridahousing.org, or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(3) through (5) No change.

(6) "Expended" or "Spent" means the affordable housing activity is complete and funds deposited to the local affordable housing trust fund have been transferred from the local housing assistance trust fund account to pay for the cost of the activity. ~~In all cases, this definition will apply when the project is completed as evidenced by documentation of final payment to the contractor and release of all lien waivers, issuance of the certificate of occupancy by the local building department, and occupancy by an eligible person or eligible household. In the case of a loan guarantee strategy, the deposits to the local housing assistance trust fund will be considered expended when they are deposited from the local housing assistance trust fund into the guarantee fund. The funds deposited to the local housing assistance trust fund must be spent within twenty-four months from the end of the applicable State fiscal year. Exceptions to this time frame must be approved by a majority vote of the Review Committee on a case by case basis. Exceptions will only be granted for good cause. Examples of good cause are natural disasters, requirements of other State agencies, adverse market conditions, and unavoidable development delays. Adequate documentation must be presented to the Review Committee before an extension will be granted, e.g., project status, work plan and completion schedule, commitment of funds, etc.~~

(7) No change.

(8) "Institutional First Mortgage Lender" means any ~~bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, or other~~ financial institution or governmental agency authorized to conduct business in this state and which customarily provides service or otherwise aids in the financing of mortgages on real property located in this state.

(9) through (15) No change.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072 FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 91-37.002, Amended 12-26-99, 9-22-03, _____.

67-37.005 Local Housing Assistance Plans.

(1) through (5) No change.

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

(c) Certifies that the staff or entity that has administrative authority for implementing a local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility throughout the 15 year compliance period as described at subsection 67-37.007(10)015(3), F.A.C.

(d) through (e) No change.

(f) A provision requiring:

1. No change.

2. The expenditure of the local housing distribution deposited into the local housing assistance trust fund by any eligible person or eligible sponsor within 24 months of the close of the applicable State fiscal year. In all cases, this will apply when the project is completed as evidenced by documentation of final payment to the contractor and release of all lien waivers, issuance of the certificate of occupancy by the local building department, and occupancy by an eligible person or eligible household. In the case of a loan guarantee strategy, the deposits to the local housing assistance trust fund will be considered expended when they are deposited from the local housing assistance trust fund into the guarantee fund. The funds deposited to the local housing assistance trust fund must be spent within twenty-four months from the end of the applicable State fiscal year. Exceptions to this time frame must be approved by a majority vote of the Review Committee on a case-by-case basis. Exceptions will only be granted for good cause. Examples of good cause are natural disasters, requirements of other State agencies, adverse market conditions, and unavoidable development delays. Adequate documentation must be presented to the Review Committee before an extension will be granted, e.g., project status, work plan and completion schedule, commitment of funds, etc. unless otherwise extended as provided at subsection 67-37.002(8), F.A.C.;

3. through 4. No change.

5. Small counties and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs.

(7) Each local housing assistance plan shall include a disaster strategy describing activities to be undertaken in the event of an emergency or natural disaster which has been declared by executive order. The local government may use the Disaster Strategy (08/04) hereby adopted and incorporated by reference with an effective date of _____. A copy is available on Florida Housing's website at www.floridahousing.org or by contacting the Florida Housing SHIP Staff, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301 or call (850)488-4197. The corporation shall disburse funds for disaster relief proportionately as provided in s. 420.9073(2)(b), F.S. Local Governments may use unencumbered SHIP funds to carry out activities of disaster

relief. Recipients of SHIP funds under a local government's disaster strategy shall be required to verify income by executing a Disaster Self Certification of Income Form (08/04), hereby adopted and incorporated by reference with an effective date of _____ or a local government's form that requires the same information. A copy is available on the Corporation's website at www.floridahousing.org or by contacting the Florida Housing SHIP Staff, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301 or call (850)488-4197. Pay check stubs and other forms of proof are required, unless unavailable due to loss through natural disaster. Other documentation required for SHIP income qualification may be waived if unavailable due to loss through natural disaster. The county or eligible municipality shall make every effort reasonable to insure that the recipients of SHIP funds are income qualified.

~~(8)~~(7) A copy of the local housing assistance plan shall be submitted to the Corporation, via U.S. Mail or electronic submission. If submitted electronically, a mailed copy shall be sent to the Corporation within three working days of the plan being electronically transmitted. The mailed copy submitted to the corporation shall bear the original signature of the authorized official which includes: Mayor, Commissioner, County Manager or City Manager or the authorized official's designee and a certification that the document being submitted is the county's, eligible municipality's or interlocal entity's local housing assistance plan and that all provisions of the plan conform to the requirements of Section 420.9072, F.S., et seq., and Rule Chapter 67-37, F.A.C. Each local housing assistance plan shall be printed on 8 1/2" x 11" paper or electronic submission and contain a table of contents or checklist, which specifies exactly where in the documentation certain required items shall be located. Each local housing assistance plan amendment shall be coded with text which is being deleted struck through and text being added underlined. Within two weeks after receipt of final approval letter, the local government shall provide to the Corporation a clean copy (no strike through or underline) for Corporation files.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072(2), 420.9075 FS. History--New 11-26-92, Amended 5-2-93, 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.005, Amended 12-26-99, 9-22-03,_____.

67-37.008 Local Housing Assistance Trust Fund.

(1) No change.

(2) The local housing assistance trust fund shall be separately stated as a special revenue fund in a county's or eligible municipality's audited financial statements. Copies of such audited financial statements shall be forwarded annually to the Corporation ~~as soon as available, but~~ no later than April ~~September~~ 30th of the following fiscal year. In addition to providing audited financial statements a ~~Consolidated Annual Financial Report (CAFR)~~, all participating jurisdictions must provide evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97(6), F.S.

(3) An interlocal entity shall have its local housing assistance trust fund separately audited for each State fiscal year, which audit shall be forwarded to the Corporation as soon as available, but no later than April ~~September~~ 30th of the following fiscal year.

(4) No change.

Specific Authority 420.9072(9) FS. Law Implemented 420.9075(5) FS. History--New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 9I-37.008, Repromulgated 12-26-99, Amended 9-22-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darlene Raker, Program Manager, State Housing Initiatives Partnership (SHIP) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1156

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Dearduff, Program Administrator, State Housing Initiatives Partnership (SHIP) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004, Corporation Board of Director's Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose	67-38.001
Definitions	67-38.002
General Program Requirements and Restrictions	67-38.026
Application Submission Procedures	67-38.003
Incomplete Applications and Rejection Criteria	67-38.004
Application Evaluation and Award Guidelines	67-38.005
Terms of the PLP Loan	67-38.007
Eligible Uses for the Loan	67-38.008
Credit Underwriting Procedures	67-38.010
Fees	67-38.011
Disbursement Procedures	67-38.014
Application Procedures for Applicants	
Participating Under 1998 Cycles I and II	67-38.017

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-38, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer and implement the Predevelopment Loan Program which provides technical assistance and funding for predevelopment expenses to non-profit developers of affordable housing for low income households.

SUMMARY: The Corporation has reviewed the contents of this rule to ensure that the language contained therein is still in line with the Statute, current goals of the Corporation and

reflects any material changes that have taken place within the structure or application process of the Predevelopment Loan Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.507, 420.521-420.529 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: 11:00 a.m., November 15, 2004

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Keantha Belton, Special Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-38.001 Purpose.

The purpose of the Predevelopment Loan Program is to provide financial and technical assistance to eligible Applicants for predevelopment related activities associated with the development of affordable single family home ownership units and multi-family rental housing.

Specific Authority 420.528 FS. Law Implemented 420.523 FS. History—New

67-38.002 Definitions.

(1) “Act” means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) “Affiliate” means any person or entity that: (i)(a) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant, (ii)(b) serves as an officer or director, agent, employee, or any business entity or person associated with of the Applicant in the furtherance of a business venture for which the Applicant is applying for one or more of the Corporation’s programs, or (iii)(e) is the spouse, parent, child, sibling, or relative by marriage of a person or entity described in (i)(a) or (ii)(b) above.

(3) “Applicant” means any person or legally formed entity that is seeking a loan or funding from the Corporation by submitting an Application for one or more of the Corporation’s programs means any unit of government, a local housing authority established pursuant to Chapter 421, F.S., a community based or not for profit organization, or a limited

~~partnership if its general partner is a community-based or not for profit organization as defined by Section 420.524, F.S., that submits an Application for funding from the Predevelopment Loan Program. “Applicant” includes a sponsor as defined by Section 420.524, F.S.~~

(4) “Application” means the completed forms and exhibits created by Florida Housing for the purpose of providing the means to apply for one or more of the Corporation’s programs, from the Application Package together with all required exhibits submitted to the Corporation in accordance with this Rule Chapter in order to apply for PLP funds.

(5) “Application Package” or “Form 1115” means the forms and exhibits, instructions and other information necessary for submission of an Application under the Predevelopment Loan Program. The Application Package may be obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or from the Corporation’s Website, which shall be completed and submitted to the Corporation in order to apply for a specific Florida Housing program. With respect to PLP Form PLP 1115 is hereby adopted and incorporated herein by reference. The Corporation hereby adopts and incorporates by reference the Application Package (Form PLP 1115).

(6) “Board of Directors” or “Board” means the Board of Directors of the Corporation. “Code” means the Internal Revenue Code of 1986, as amended.

(7) “Community-Based Organization” or “Not-For-Profit Organization” means any group incorporated under Chapter 617, F.S. to provide housing and other services on a not-for-profit basis, and which is acceptable to federal and state agencies and financial institutions as a provider of affordable housing a community based or not for profit organization as defined in Section 420.524, F.S. For the Purpose of the Predevelopment Loan Program, the organization shall own at least 51% of the ownership interest in the Development held by the general partner entity. A for profit entity wholly owned by one or more qualified Not-For-Profit organizations shall constitute a Not For Profit entity. A Not For Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for profit corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement.

(8) “Compliance Period” means the period of time that the Development shall conform to all set-aside requirements as described in this Rule Chapter and agreed to by the Applicant in the Application.

(9) “Contact Person” means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

~~(10)(9)~~ “Corporation” or “Florida Housing” or “FHFC” means the Florida Housing Finance Corporation, a public corporation and the successor to the Florida Housing Finance Agency.

~~(11)(10)~~ “Credit Underwriter” means the independent contractor under contract with the Corporation having the responsibility of ~~for~~ providing stated credit underwriting services.

~~(12)~~ “Credit Underwriting” means an in-depth analysis by the Credit Underwriter of all documents submitted in connection with an Application.

~~(13)(11)~~ “Credit Underwriting Report” means a report that is a product of Credit Underwriting comprehensive analysis of the Applicant, the real estate, the financing of the Development, the ability of the Applicant and the Development team to proceed, evidence of the need for affordable housing in the defined area, and a determination that the Development meets PLP requirements.

~~(14)~~ “Developer” means an individual, association, corporation, joint venture, or partnership which possesses the requisite skill, experience and credit worthiness to successfully produce affordable housing.

~~(15)(12)~~ “Development” or “Property” means any work or improvement located in the state, including real property, the buildings, structures, fixtures and all other improvements or work located, or to be located, in Florida, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary affordable residential housing for persons or families, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing houses, together with such related non-housing facilities as the Corporation determines to be necessary convenient and desirable for which financial assistance under the Predevelopment Loan Program has been applied for or received.

~~(16)(13)~~ “Development Plan” means the written description of the proposed Development submitted to the Corporation by the Technical Assistance Provider, Applicant with the concurrence of the Applicant, in the form created and approved by Florida Housing, Technical Assistance Provider detailing the Applicant’s objectives and goals with respect to the Development.

~~(17)(14)~~ “Development Site” means the land for the Development, as defined by the legal description in the Development Plan and the documents evidencing or securing the Loan.

~~(18)(15)~~ “Farmworker” means a laborer who is employed on a seasonal, temporary, or permanent basis in the planting, cultivating, harvesting, or processing of agricultural or aquacultural products and who derived at least 50% of her or his income in the immediately preceding 12 months from such

employment. “Farmworker” also includes a person who is retired as a laborer due to age, disability, or illness. In order to be considered retired as a farmworker due to age under this Rule Chapter, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker before retirement. In order to be considered retired as a farmworker due to due to disability or illness, a person must (i) establish medically that she or he is unable to be employed as a farmworker due to that disability or illness and (ii) establish that she or he was previously employed as a farmworker means farmworker as defined in Section 420.503, F.S.

~~(16)~~ “Financial Beneficiary” means any developer and its principals and principals of the Applicant entity who receives or will receive a financial benefit of:

(a) 3% or more of Total Development Cost (including deferred fees) if Total Development Cost is \$5 million or less; or

(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if total Development cost is greater than \$5 million. This definition does not include third party lenders, third party management agents or companies, housing credit syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are determined to be within reasonable industry standards.

~~(19)(17)~~ “HUD” means the United States Department of Housing and Urban Development.

~~(20)(18)~~ “Invitation to Participate” means a letter sent to the Applicant indicating the Development has been selected to receive technical assistance which shall be signed and returned with the initial appropriate commitment fee prior to receiving technical assistance.

~~(19)~~ “Loan” means a direct loan from Predevelopment Loan Program.

~~(21)~~ “LURA” or “Land Use Restriction Agreement” means an agreement between the Corporation and the Applicant which sets forth the set-aside requirements and other Development requirements under a Corporation program.

~~(22)~~ “Mortgage” means Mortgage as defined in Section 420.503, F.S.

~~(23)(20)~~ “PLP” or “Predevelopment Loan Program” means the Predevelopment Loan Program established by the Act and this Rule Chapter.

~~(24)~~ “PLP Loan” means a direct loan from the Predevelopment Loan Program.

~~(21)~~ “Predevelopment Expenses” mean the expenses set forth in the Development Plan which are anticipated to be incurred prior to closing on construction or permanent financing.

(25) “Principal” means an Applicant, any general partner of an Applicant, and any officer, director, or any shareholder of any Applicant or shareholder of any general partner of an Applicant.

~~(26)~~(22) “Rehabilitation” means to bring a Development back to its original state, or to bring back to its original state with added improvements with limitations as specified by the program or programs which provide construction or permanent financing to the Development.

~~(23) “Servicer” means the independent contractor under contract with the Corporation having the responsibility for providing stated Loan servicing and administration and compliance monitoring services. Such services shall include reviewing and approving Loan disbursement requests for site acquisition, Loan servicing and single family and multifamily compliance monitoring services, if any.~~

~~(27)~~(24) “Servicing and Compliance Monitoring Fees” means fees associated with the review and processing of requests for disbursement of funds, inspections and the monitoring of Developments.

~~(28)~~(25) “Set-Aside” means the percentage of units within a Development that shall be reserved as affordable at or below the specified AMI to income qualified persons or households throughout the Compliance Period as outlined herein.

~~(29)~~(26) “Technical Assistance Provider” or “TAP” means an independent contractor retained by the Corporation to provide technical assistance services support.

~~(30)~~(27) “Technical Assistance” means assistance to Applicants via of telephone, through on-site visits and by responses to oral and written inquiries from Applicants throughout the entire Predevelopment process and to provide such other services as agreed to by the Technical Assistance Provider and the Corporation.

~~(31)~~(28) “Threshold Requirements” means the requirements an Applicant shall meet as identified in the Application Package in order to receive an Invitation to Participate in the Predevelopment Loan Program.

~~(32) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) for which is www.floridahousing.org.~~

Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.0026 General Program Requirements and Restrictions.

(1) An Applicant may only apply for funding through the Predevelopment Loan Program if it is a legally formed entity that is:

- (a) Any unit of government.
- (b) A local housing authority established pursuant to Chapter 421, F.S.,
- (c) A Community-Based or Not-For-Profit Organization,

(d) A for-profit entity wholly owned by one or more qualified Not-For-Profit organizations, or

(e) A limited partnership if its general partner is a Community-Based or Not-For-Profit Organization that holds at least 51% of the ownership interest in the Development held by the general partner entity. The Not-For-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the Compliance Period as stated in the Land Use Restriction Agreement.

(2) Loans shall be in an amount not to exceed \$500,000, or the predevelopment and acquisition costs outlined in Rule 67-38.008, F.A.C. that were incurred prior to the closing of permanent or construction loan financing for the Development, whichever is less.

(3) For rental Developments:

(a) The Applicant must commit to Set-Aside a minimum of 60% of the completed rental units to be rented to persons or households whose income does not exceed 60% of the area median income, as determined by HUD and adjusted by household size, for the metropolitan statistical area or county in which the Development is located, and

(b) Must set-aside the units for the duration of the Compliance Period. If the Development does not obtain construction or permanent financing from Florida Housing and no Florida Housing funds remain in the Development, this period shall be fifteen (15) years from the date the PLP loan is paid off. If the Development obtains construction or permanent financing from other Florida Housing programs, the Compliance Period shall be in effect for a period equal to the compliance period committed to by the Applicant under the particular Florida Housing program providing the additional funding.

(4) For home ownership Developments:

(a) The Applicant must commit to sell 100% of completed housing units to persons or households whose income do not exceed 80% of the area median income, as determined by HUD and adjusted by household size, for the metropolitan statistical area or county in which the individual homes are located, and

(b) If the Development obtains construction or permanent financing from other Florida Housing programs, the Set-Aside(s) committed to by the Applicant under the particular Florida Housing program providing the additional funding shall be in effect.

(5) Applicants are required to work with a Technical Assistance Provider (TAP) as assigned by Florida Housing. The Corporation shall pay all fees required by the TAP.

(6) If the Applicant is utilizing PLP funds to purchase the Development Site, Credit Underwriting will be required by a Credit Underwriter assigned by Florida Housing. The Applicant is responsible for paying the Credit Underwriting fee, which is an eligible PLP expense.

(7) If awarded a PLP Loan, the proceeds of such may only be used for PLP eligible expenses as outlined in Rule 67-38.008, F.A.C.

(8) The Development must be consistent with the purposes of the Predevelopment Loan Program and conform to the requirements specified in the Act or this Rule Chapter.

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New _____.

67-38.003 Application Submission Procedures.

(1) At any time during the year, Applicants may submit an Application to the Corporation for PLP funding. An Applicant, Affiliate, limited partnership, or general partner thereof may not have more than two (2) PLP Loans outstanding at any given time, without the prior approval of the Board. For the purposes of this rule chapter, outstanding shall mean any PLP Loan that has not been fully repaid to the Corporation.

(2) All Applications delivered by hand shall be presented to Corporation staff to be inscribed with the time and date of receipt. Applications may also be mailed to the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Applications mailed to the Corporation will be inscribed with the time and date received.

(3) Applications that do not contain the required information and documentation as set forth in the Application Package ~~February 2003~~ shall be determined to have not met Threshold Requirements.

(4) An original and two copies of the completed Application and attachments shall be submitted to the Corporation if the Applicant does not intend to utilize the PLP Loan, whole or in part, to acquire the Development Site. In the event, the Applicant does intend to utilize the PLP Loan, whole or in part to acquire the Development Site, then an original and three copies of the completed Application shall be submitted to the Corporation. The original Application shall contain original signatures on pages those forms which specifically requests an original signatures. ~~Signatures on these forms which are~~ signed ~~faxed, scanned, photocopied, or otherwise duplicated signatures~~ shall not be considered acceptable ~~signatures~~ within the original Application.

(5) Applications shall be accompanied by the Application fee as set forth in the Application Package. Applications shall be submitted on the forms provided in the Application Package and shall be bound in three ring binders and shall have tabs for each form and exhibit. Exhibits shall be placed behind the form to which they refer. Failure to comply with any of the requirements set forth in this rule chapter may ~~shall~~ result in the determination that the Application has not met Threshold Requirements.

~~(6) If the Applicant, any of its principals or Affiliates, or financial beneficiaries, including the developer, is in arrears for any financial obligation the developer has with the Corporation, or any member of the Project's Development team are determined by the Corporation to have engaged in fraudulent actions, or to have intentionally misrepresented information in any previous application or other documents submitted to the Corporation, the Applicant, its principals and Affiliates, including the developer, shall be deemed ineligible to participate in any program administered by the Corporation. The ineligibility will be for two fiscal years beginning on the date the Corporation's Board of Directors approves the disqualification. Such determination shall be either pursuant to proceedings conducted in accordance with Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.~~

~~(7) If the Applicant, Principal, Affiliate, developer or financial beneficiary of the Applicant has any existing Developments participating in Corporation programs that are in non compliance with the Code, this Rule Chapter or applicable Loan documents, and any applicable cure period has expired at the time of approval of the Development Plan, the requested allocation shall be denied, upon a determination by the Board that the non-compliance increases the likelihood that the Applicant will not be able to satisfy the terms of the Loan. The Applicant and Affiliates of the Applicant or developer will be prohibited from participation in any Corporation programs for the subsequent cycle and continue until all of the Applicant's Developments are in compliance.~~

~~(6)(8) Applications that propose to develop individual homeownership units shall be submitted separately from those that propose to develop multifamily rental units.~~

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.003, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.004 Incomplete Applications and Rejection Criteria.

(1) Each Application shall be reviewed by the Corporation to determine if the Application meets Threshold Requirements. ~~Applications that have met Threshold Requirements shall be provided an Invitation to Participate in accordance with this Rule Chapter.~~ If the Application fails to meet Tthreshold Requirements, the Corporation shall notify the Applicant of any additional or revised information or material that is required ~~for the Application to meet threshold.~~ The Applicant may continue to submit requested material until the Application is complete and meets Tthreshold Requirements. The Application, however, shall not be placed in priority order or on a waiting list until such time that all information and documentation has been submitted and the Application is determined to have met Threshold Requirements.

(2) An Application shall be rejected if any of the following occurs:

(a) The Applicant/Application does not meet the requirements specified in the Act or this Rule Chapter.

(b) If the Board of Directors determines that any Applicant or any Affiliate of an Applicant:

(i) Has engaged in fraudulent actions;

(ii) Has materially misrepresented information to the Corporation regarding any of its Developments, or within the current Application or in any previous applications for one or more of Florida Housing's programs;

(iii) Has been convicted of fraud, theft, or misappropriation of funds;

(iv) Has been excluded from federal or Florida procurement programs; or

(v) Has been convicted of a felony;

And that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing. The Applicant and any of the Applicant's Affiliates, will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board of Directors makes such a determination. Such determination shall be either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(3) If the Applicant, Principal, Affiliate, or Developer of the Applicant has any existing Developments participating in Corporation programs that are in non-compliance with the Code, this Rule Chapter or applicable Loan documents, and any applicable cure period has expired at the time of approval of the Development Plan, the requested allocation shall be denied, upon a determination by the Board that the non-compliance increases the likelihood that the Applicant will not be able to satisfy the terms of the Loan. The Applicant and Affiliates of the Applicant or Developer will be prohibited from participation in any Corporation programs for the subsequent cycle and continue until all of the Applicant's Developments are in compliance.

~~(a) The information submitted in the Application is not sufficient to demonstrate that the Development proposes to meet the minimum Set-Aside requirements. These requirements are:~~

~~1. For rental Developments, a minimum of 60% of the completed housing units must be rented to persons whose income does not exceed 60% of the median income for the area, as determined by HUD, with adjustments for family size; and~~

~~2. For home ownership Developments, 100% of completed housing units must be sold to persons or households with incomes not exceeding 80% of the median annual gross income as established by HUD for households within the State, the MSA or, if not within the MSA, within the county in which the person or household resides, whichever is greater; or~~

~~(b) The Applicant, its principals, Affiliates, or financial beneficiary including the developer, has not waited the time period specified in subsection 67-38.003(6), F.A.C.; or~~

~~(c) The Development is inconsistent with the purposes of the Predevelopment Loan Program or does not conform to the requirements specified in the Act or this Rule Chapter; or~~

~~(4)(d) The Applicant fails to meet any Threshold Requirement specified in the Application Package.~~

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History--New 3-23-93, Amended 1-16-96, Formerly 91-38.004, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.005 Application Evaluation and Award Guidelines.

(1) PLP funding shall be available to Applicants whose Applications have met ~~T~~hreshold ~~R~~requirements, on a first-come, first-served basis, pursuant to this Rule Chapter. Applications which propose to set-aside a minimum of 40% of the Development's units for Farmworker residents shall receive priority over all other Applicants, provided the Applicant has also certified that they shall meet PLP minimum ~~S~~et-~~A~~side requirements.

(2) After the Application has been reviewed and determined to have met ~~T~~hreshold ~~R~~requirements, using the factors specified in the Application Package and this Rule Chapter, staff shall determine whether sufficient funds are available to fund the PLP request.

(3) If the Application fails to meet Threshold Requirements or is missing important information, the Applicant shall be notified of the deficiencies in the Application and provided an opportunity to rectify any outstanding issues.

(4) If the Application is determined to have met Threshold Requirements; and

(a) Funds are available, the Corporation shall issue an Invitation to Participate; or

(b) If funds are not available, Applicant will be placed on a waiting list, based on the date and time the Application was determined to have met Threshold Requirements until either;

1. Funds are available, at which time the Applicant will be issued an Invitation to Participate, or

2. Application is withdrawn.

(5) The Invitation to Participate shall be signed and returned to the Corporation within 15 days of receipt by the Applicant. If the executed signed Invitation to Participate is not received by the Corporation within 15 days, the Invitation to Participate shall be withdrawn and the Applicant shall be so notified. The executed Invitation to Participate must be accompanied by an initial commitment fee as specified therein.

(6) Upon receipt of the executed signed Invitation to Participate and the Applicant's initial commitment fee, the Corporation shall assign a Technical Assistance Provider. In the event that technical assistance has begun and it is determined that the initial payment of the commitment fee has

~~not been paid or is returned for insufficient funds is found to be insufficient.~~ Technical Assistance shall be discontinued until full payment is received and determined to be sufficient. If sufficient payment has not been received within seven days of notification to the Applicant, the Invitation to Participate shall be withdrawn and the Applicant shall be so notified.

(7) The Technical Assistance Provider shall work with the Applicant to formulate a Development Plan. The Development Plan shall clearly set forth in detail the Applicant's anticipated predevelopment tasks and activities, timeline, itemized budget, sources to fund all anticipated ~~p~~Predevelopment ~~e~~Expenses, including those in excess of the amounts to be requested under the Predevelopment Loan Program, and the anticipated sources and uses of construction and permanent financing. The anticipated activities and expenses shall be those necessary prior to closing on construction or permanent financing for the Development. The Development Plan shall also set forth the exact number of units to be set aside ~~for low- or very low-income residents,~~ including the number of units set-aside for Farmworkers if priority was given for meeting the Farmworker ~~S~~set-~~A~~aside.

(8) The Applicant shall be given up to six months from the Corporation's receipt of the executed signed Invitation to Participate to complete and submit the Development Plan unless prior written approval is received from the Corporation. The Invitation to Participate shall be canceled if the Development Plan is not submitted within the six-month period. All PLP Loan documents, if any, shall be cancelled. Any commitment fees paid shall be retained by the Corporation. With the prior approval of the TAP, ~~t~~The Applicant may request an extension for submitting the Development Plan in writing to the Corporation at least thirty days prior to the end of the original six month period.

(9) The Technical Assistance Provider shall submit a written recommendation with the Development Plan to the Corporation. Such recommendation should clearly indicate the Technical Assistance Provider's findings regarding the status of the Development Plan and the requested PLP Loan amount. The Corporation may request additional information and or documentation necessary for the Application to meet Threshold Requirements prior to approval of the Development Plan. If such revisions are requested prior to approval of the Development Plan, the Corporation shall provide a deadline by which the revisions to the Application shall be made and submitted with the approval of the Technical Assistance Provider to the Corporation.

(10) Following approval of the Development Plan, the PLP Loan request shall be submitted to the Board. Amendments to the Development Plan shall be allowed upon a favorable recommendation of the Technical Assistance Provider. If an increase to the PLP Loan is requested, Board approval is required.

(11) Following approval of the PLP Loan the Applicant will receive written notice of such approval. The Applicant shall submit the final commitment fee within fifteen days of receipt of such notice.

(12) If the Board does not approve the PLP ~~a~~ Loan request, no funds shall be disbursed other than for expenses incurred for services of the Technical Assistance Provider. Any commitment fee paid shall be retained by the Corporation.

(13) In the event the Development Plan receives approval and the Applicant is unable to proceed to completion of Predevelopment Loan Program activities or obtain permanent or construction financing, any commitment fees paid shall be retained by the Corporation.

(14) Following receipt of the final commitment fee, a Iloan agreement, promissory note and any other customary Iloan documentation will be provided to the Applicant. Upon execution of all Iloan documents by both the Applicant and the Corporation, funds will be available for disbursement for eligible predevelopment activities as specified in this Rule Chapter.

(15) A positive Credit Underwriting Report is required for closing on a PLP Loan that has been approved for the acquisition of the Development Site costs.

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History--New 3-23-93, Amended 1-16-96, Formerly 91-38.005, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.007 Terms and Conditions of the PLP Loan.

~~(1) Applicants are required to work with the assigned Technical Assistance Provider. Fees of the Technical Assistance Provider shall be paid by the Corporation.~~

~~(1)(2) The maximum Loan amount to be disbursed shall not exceed the lesser of the predevelopment and acquisition costs pursuant to Rule 67-38.009, F.A.C., incurred prior to closing of permanent or construction Loan financing for the Development, or \$500,000. In the event that the Applicant entity is comprised of a 100% ownership interest by a Not-For Profit, the Iloan, shall bearing an interest at a rate of 13%. In the event that the Applicant entity has a for-profit partner with any ownership interest in the Development, the PLP Loan shall bear an interest rate of 3%.~~

(2) The PLP Loan shall be secured by such customary documents and collateral as are necessary to ensure ~~secure~~ repayment.

(3) The PLP Loan shall be non-amortizing with principal and interest deferred until maturity. The Corporation is authorized to forgive such Iloan, and thereby make a grant to the Applicant for any monies that are unable to be repaid due to the Applicant's inability to obtain construction or permanent financing for the Development. The Corporation shall not forgive the portion of the PLP Loan, if any, which is secured by a mortgage to the extent such Iloan could be repaid from the sale of the mortgaged property.

(4) In the event PLP funds are used to purchase ~~the Development Site a site~~, the mortgage securing the PLP Loan shall be in a first or second lien position and shall not share priority with any other liens unless approved by the Board.

(5) ~~With respect to rental Developments, t~~The PLP Loan shall mature on the earlier of:

(a) The date of closing ~~on~~ of the permanent or construction ~~H~~loan for the Development; or

(b) Three years from the date of execution of ~~the H~~loan documents ~~by the Corporation~~ or other such extended ~~H~~loan maturity date approved by the Board.

(6) ~~With respect to home ownership Developments, the~~ PLP Loan shall mature on the earlier of:

(a) ~~On a prorated basis upon the sale of each home, upon the recommendation of the Credit Underwriter and a partial release payment in an amount acceptable to the Credit Underwriter and the Corporation; or~~

(b) ~~Three years from the date of execution of the loan documents by the Corporation or other such extended loan maturity date approved by the Board.~~

~~(7) The Corporation may extend the term of the loan for an additional period if extraordinary circumstances exist and if such extension would not jeopardize Florida Housing's security interest.~~ Submission of a request for an extension of the maturity of a PLP Loan ~~may shall~~ be subject to the following:

(a) The recommendation of the Credit Underwriter ~~or and~~ the Technical Assistance Provider that an extension of the PLP Loan is likely to result in the successful completion of the Development; and

(b) Submission of:

1. A revised Development Plan, approved by the Technical Assistance Provider, reflecting the reasons for the extension and the tasks and activities to be completed during the extension period;

2. Evidence of the Applicant's ability to complete the Development, and

3. An alternate financing plan in the event the original financing source(s) withdraws.

~~(7) With respect to home ownership Developments, the Corporation shall release individual properties within the Development from the lien of the mortgage held by the Corporation prior to maturity of the Loan, upon the recommendation of the Credit Underwriter and a partial release payment in an amount acceptable to the Credit Underwriter and the Corporation.~~

(8) Prepayment of the PLP Loan shall be permitted without penalty.

(9) Upon determination by the Board that other remedies are ineffectual or non-existent and that the best interest of the Corporation is served by acceleration of the PLP Loan. The PLP Loan shall be accelerated if any of the following occurs:

(a) Proceeds of the PLP Loan are used for any purpose not specified in the Development Plan, the documents evidencing or securing the PLP Loan, the Act or this Rule Chapter; or

~~(b) The Development fails to meet or maintain the minimum Set-Aside requirement during the Compliance Period; or~~

(c) Sale, transfer, or conveyance of the Development ~~occurs~~ without the prior written approval of the Corporation, as set forth in Rule 67-38.012, F.A.C.

(10) The Applicant shall submit progress reports evidencing successful completion of the requisite tasks and activities set forth in the Development Plan to the Technical Assistance Provider on a quarterly basis. The Technical Assistance Provider shall submit the reports to the Corporation. Reports are due to the Corporation by the 10th day of April, July, October, and January for so long as funds are outstanding.

(11) The Corporation reserves the right to require an audit of Applicant's accounts and records relating to the PLP Loan funds. If the Applicant is required to perform an audit of its accounts and records, a copy of the same shall be delivered to the Corporation within ten (10) days of receipt of thereof by the Applicant.

(12) The Applicant shall maintain all documents related to the Development, including copies of all contracts and performance bonds, during the term of the Loan and for three years following the maturity of the PLP Loan as the same may be extended pursuant to this Rule Chapter.

(13) With respect to home ownership Developments, in order to assure that such Developments serve the target population the Credit Underwriter or the Corporation shall, prior to release of an individual lot within the Development site, review appropriate documentation as necessary to determine the unit is being sold to an eligible purchaser.

(14) With respect to rental Developments, in order to assure that such Developments serve the target population and maintain the minimum Set-Aside requirements, in addition to the execution and recordation of the Land Use Restriction Agreement (LURA), all deeds conveying title to real estate that is improved with rental units shall contain restrictive covenants that encompass all of the units in the Development and that provide for the continued rental of the units to persons within the target population for the Compliance Period. For those Developments which have occupied units, or will have occupied units, prior to closing of the construction or permanent financing, the Servicer or the Corporation shall conduct a review and physical inspection prior to closing of the construction or permanent financing to assure that the Development meets the minimum Set-Aside requirements and provides the intended benefit to the target population pursuant to the Act. The Corporation reserves the right to monitor each Development funded under the Predevelopment Loan Program

at any time after completion of the Development to assure continued compliance with the applicable provisions of this Rule Chapter.

(15) The loan shall not be assumable upon ~~the Development~~ sale, transfer or refinancing of the Development.

Specific Authority 420.528 FS. Law Implemented 420.526, 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.007, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.008 Eligible Uses for the Loan.

(1) The proceeds of the Loan shall only be used for eligible expenses specified in the approved Development Plan.

(2) The Corporation shall monitor all ~~p~~Predevelopment activity expenditures through the designated Technical Assistance Provider and shall deny disbursements which have not been approved by the Technical Assistance Provider prior to submission to Florida Housing.

(3) Eligible ~~p~~Predevelopment expenses shall include the following expenses if such expenses or services were incurred or rendered ~~shall be encumbered~~ prior to closing of construction or permanent financing:

- (a) Market and feasibility analysis;
- (b) Rezoning;
- (c) Title search;
- (d) Legal fees;
- (e) Boundary survey;
- (f) Administrative expenses such as phone charges, travel related to the Development, copying, printing, and postage fees. Other expenses requested under this subsection shall be pre-approved by the Corporation. Salaries of employees of the applicant are not an eligible expense.

(g) Third party consultant fees. Consultant shall demonstrate appropriate experience in housing Development projects and shall be acceptable to the TAP. No person, corporation, partnership, or entity having an identity of interest in the Development, or the Applicant, may act as a third party consultant;

- (h) Fees of the PLP Credit Underwriter;
- (i) Good faith or earnest money deposit related to the Development Site;
- (j) Commitment fees to secure construction or permanent financing;
- (k) Biological and environmental assessments;
- (l) Soil tests;
- (m) Appraisals;
- (n) Approved acquisition expenses in connection with the Development Site;
- (o) Marketing expenses;
- (p) Permitting/impact fees;
- (q) Architectural/engineering fees;
- (r) Fees in connection with a completion audit;

~~(s) Site Development activities approved by the Corporation;~~

~~(s)(+) Insurance fees; and~~

~~(t)(+) Connection fees;~~

~~(u)(+) Other fees as approved by Florida Housing miscellaneous expenses.~~

(4) If any of the requisite ~~p~~Predevelopment activities to be completed are pending or have not been satisfactorily completed, the Applicant shall be required to work with the Technical Assistance Provider to complete the ~~p~~Predevelopment activities in a timely and satisfactory manner.

(5) Applicants may request use of PLP Loan funds for Development Site acquisition by providing to Florida Housing:

(a) Evidence that all other ~~p~~Predevelopment expenses have been paid or appropriate funding for outstanding expenses have been reserved. If PLP funds are requested for eligible uses other than Development Site acquisition, those funds shall be made available after customary closing documents are executed. PLP funds for acquisition shall not be released until such time as this and the following requirements have been provided;

(b) A detailed explanation as to the necessity to acquire title;

(c) A recommendation from the Technical Assistance Provider that funding be provided for Development Site acquisition; and

(d) A Credit Underwriting Report, which includes a recommendation from the Credit Underwriter that funds be disbursed for Development Site acquisition.

Specific Authority 420.528 FS. Law Implemented 420.526, 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, 5-21-96. Formerly 91-38.008, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.010 Credit Underwriting Procedures.

(1) If an Applicant requests funds for site acquisition ~~pursuant to subsection 67-38.008(5), F.A.C.~~, or requests an extension of the term of the PLP Loan. The Corporation will assign a Credit Underwriter to perform the Credit Underwriting Report.

(2) ~~Upon payment of the credit underwriting fees,~~ the assigned Credit Underwriter shall review the Application and Development Plan and perform the Credit Underwriting Report. In this Credit Underwriting Report, the Credit Underwriter shall:

(a) Analyze the Applicant's Development costs, sources of funds and pro forma operating statement to ensure the Development's feasibility,

(b) Prioritize tasks which must be accomplished prior to obtaining construction and permanent financing,

(c) Advise the Corporation as to the appropriateness of plans, and specifications and the budget for the ~~p~~Predevelopment tasks and activities related to the Development; and

(d) Make a determination as to the feasibility of the Development.

(3) An appraisal of the proposed Development Site shall be required during the Credit Underwriting Report process. The Credit Underwriter shall choose an appraiser from the Credit Underwriter's approved list of appraisers and order the appraisal of the Development.

(4) The Credit Underwriter shall consider the appraisal of the Development and other market data to determine if the market exists to support both the demographic and income restriction Set-Asides committed to within the Application.

(5) The Credit Underwriter may require additional information as is necessary to evaluate the Development Plan and make a determination as to the feasibility of the Development. If the Credit Underwriter requires additional clarifying materials in the course of the Credit Underwriting Report process, the Credit Underwriter shall request the materials from the Applicant and shall specify deadlines for submission of each such material. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation, shall result in the request for disbursement for site acquisition being denied.

(6) The Credit Underwriter shall complete and make a written draft Credit Underwriting Report and recommendation to the Corporation within 80 calendar days from the date of ~~assignment by the Corporation~~ ~~underwriting fees are paid~~. The Technical Assistance Provider and the Applicant shall review the draft Report and provide written comments to the Corporation and Credit Underwriter within 72 hours of receipt. After the 72-hour review period, the Corporation shall provide comments on the draft Credit Underwriting Report and, as applicable, on the Applicant's and Technical Assistance Provider's comments, to the Credit Underwriter. The Credit Underwriter shall then review and consider the comments thereto and release the revised Report to the Corporation, the Technical Assistance Provider, and the Applicant. Any additional comments from the Applicant and Technical Assistance Provider shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised Report. The Credit Underwriter shall provide to the Corporation a final Credit Underwriting Report which will address all comments made by the Applicant and the Technical Assistance Provider.

(7) It is the responsibility of the Applicant with the assistance of the Technical Assistance Provider to comply with each part of this Rule Chapter and to request in writing and provide evidence acceptable to the Corporation of extenuating circumstances for any requested waiver or extension. A failure to comply with any part of this Rule Chapter without the prior written permission of the Corporation shall result in the disqualification of the Development.

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History--New 3-23-93, Amended 1-16-96, Formerly 91-38.010, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.011 Fees.

(1) The following fees and charges pertaining to each Application shall be paid by the Applicant:

~~(a) Application Package fee as identified in the Application Package;~~

~~(a)(b)~~ A nonrefundable application fee as identified in the Application Package;

~~(b)(e)~~ If PLP funds are to be used for site acquisition and the Applicant requests an extension of the PLP Loan maturity date, a credit underwriting fee pursuant to the contract between the Corporation and the Credit Underwriter shall be paid. If a Development involves scattered sites, a single credit underwriting fee shall be charged. This fee may be paid from the PLP Loan proceeds.

~~(c)(d)~~ A initial commitment fee as identified in the Application Package shall be paid to the Corporation;

~~(d)(e)~~ Following approval an additional commitment fee shall be paid within 15 days of written notice to the Applicant that the Development Plan has been approved. In the event the Development Plan does not receive approval, the commitment fee paid at the time of acceptance of the Invitation to Participate shall be retained by the Corporation. In the event the Applicant successfully completes the Predevelopment Loan Program activities and obtains permanent or construction financing, the Applicant's PLP Loan repayment amount ~~due upon closing of the construction or permanent financing~~ will be reduced by the full commitment fee paid.

~~(e)(f)~~ Servicing and Compliance Monitoring Fees shall be paid for those multifamily rental Developments that obtain construction or permanent financing from sources other than Corporation programs. The total Servicing and Monitoring fee to be paid by the Applicant shall be submitted to the Corporation at the time of closing on the construction or permanent financing. The total Servicing and Monitoring fee is listed in the Application Package. For those Developments which obtain their construction or permanent financing from Florida Housing Programs, the Compliance Monitoring Fees shall be determined by the requirements of the particular program providing the financing in accordance with the rule chapter governing that particular program.

~~(f)(g)~~ All Credit Underwriting, Technical Assistance, Servicing and Compliance Monitoring Fees, extraordinary services and late fees shall be determined by contracts between the Corporation and the provider;

(2) Fees associated with the PLP Loan are part of Development costs and shall be included in the Development cost pro forma, if approved by the Technical Assistance Provider and Florida Housing.

(3) Failure to remit any of the required fees when due shall cause the Application to be disqualified from the PLP program.

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.011, Amended 3-26-98, 7-17-00, 7-21-03,_____.

67-38.014 Disbursement Procedures.

~~After the PLP Loan has successfully closed, t~~The PLP Loan shall be disbursed in partial payments by the Corporation to the Applicant, title company or third party contractors subsequent to compliance with the following conditions for either home ownership or ~~multifamily~~ rental Developments:

~~(1) The Applicant shall deliver to the Corporation all documents required by the Corporation to evidence and secure the Loan and evidence compliance with all terms and conditions of the Loan;~~

~~(1)(2)~~ Ten business days prior to each anticipated disbursement request under the Loan, including any disbursements anticipated at closing, the Applicant shall deliver to the Technical Assistance Provider all documentation required as set forth below Corporation a written request approved by the Technical Assistance Provider;

~~(2)(3)~~ Any disbursement request shall set forth the amount requested by the Applicant and shall be accompanied by invoices, cancelled checks or other such documentation to evidence the amount and kind of work or labor that has been or is to be performed; the value of the same; the identification of the portion of the Development Site on which the work has been performed; and that such contractors, sub-contractors, materialmen, laborers, professionals, consultants and all persons employed by the Applicant to work on the Development have been paid for work performed or will be paid. Lien waivers and/or receipts for work or labor which has been completed shall be submitted along with requests for disbursement. Lien waivers and/or receipts for work that which will be paid from the requested disbursement shall be submitted prior to receiving additional disbursements;

(4) Disbursements for eligible activities, conducted prior to being awarded predevelopment financing, qualify for reimbursement from PLP funds provided that the eligible Predevelopment activities were performed or completed no earlier than twelve months prior to the submission of the Application. Reimbursement for site acquisition which was completed prior to closing on the PLP loan shall not be allowed as a PLP expense.

(5) Before requests for disbursements under the ~~L~~oan are processed, the Applicant shall provide verification to the Technical Assistance Provider and the Corporation that the work for which payment is being requested has been performed satisfactorily and on schedule or that the expenses to be reimbursed have actually been incurred or will be incurred.

(6) In the event that the Applicant receives PLP funding for site acquisition, the Applicant must provide a ~~A~~ Mortgage on the Development Site as collateral for the ~~L~~oan subject only to such encumbrances approved by the Corporation;

however, if the Applicant is ~~proffering~~ a subordinate Mortgage or other collateral for the PLP Loan, the same shall be subject to a favorable recommendation of the Credit Underwriter and the approval of the Corporation.

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History—New 3-23-93, Amended 1-16-96, 5-21-96, Formerly 91-38.014, Amended 3-26-98, 7-17-00, 7-21-03,_____.

67-38.017 Application Procedures for Applicants Participating Under 1998 Cycles I and II.

(1) Participants funded under Cycle I or Cycle II of the 1998 Predevelopment Loan Program, pursuant to Chapter 420, F.S., that have not taken final draws on that funding, shall be allowed to apply for funding under this Rule.

~~(2) To participate these Applicants shall complete and submit Form PLP 1115 2000. Such Applications shall be subject to all provisions of this Rule except that such Applications shall not be subject to the Application fee or review by the Loan Committee but be deemed to have met threshold.~~

~~(3) The Corporation shall issue an Invitation to Participate when the Application has been determined to have met Threshold Requirements, provided previous Predevelopment Loan Program award is relinquished, and outstanding notes and mortgages are satisfied with funding provided under this rule.~~

~~(4) Applicants awarded funding from Cycle I or II of the 1998 Predevelopment Loan Program that propose to develop Farmworker housing shall receive first priority for those proposed Developments. Priority shall then be given to Applicants proposing to develop other Farmworker housing, then to Cycle I and II Applicants proposing to develop other types of eligible housing, and finally to other Applicants proposing to develop other types of eligible housing.~~

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New 7-17-00, Amended 7-21-03, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keantha Belton, Special Programs Manager, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1213

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nancy Muller, Policy Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004, Corporation Board of Director’s Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE CHAPTER TITLE: Anti-fraud Reward Program
 RULE CHAPTER NO.: 69D-1
 RULE TITLES: Reward Disbursement
 PURPOSE AND EFFECT: Rule Chapter 69D-1, F.A.C., implements the provisions of Section 626.9892, F.S., which create the Anti-Fraud Program.

SUMMARY: The proposed rule sets forth the application, approval, and disbursement procedures for the Anti-Fraud Reward Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 626.9892, 626.9892(4) FS.
 LAW IMPLEMENTED: 119.07, 624.305, 624.307, 626.989, 626.9892 FS.

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

TIME AND DATE: 9:00 a.m., November 16, 2004
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charles Gowland, Jr., Division of insurance Fraud, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4066

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: Serica Johnson, (850)922-3100, ext. 4216.

THE FULL TEXT OF THE PROPOSED RULES IS:

ANTI-FRAUD REWARD PROGRAM

69D-1.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9892, F.S., establishing procedures for application, approval, and disbursement of rewards for the Anti-Fraud Reward Program.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History-New _____.

69D-1.002 Application Process.

(1) Intake Documentation. "Anti-Fraud Reward Applicants" are people who write to or call the Division of Insurance Fraud with information related to an alleged crime involving or relating to insurance fraud. Department of Financial Services employees and individuals or entities required to report suspected insurance fraud to the Division of Insurance Fraud pursuant to Section 626.989(6), F.S., are not eligible to be Anti-Fraud Reward Applicants.

(a) An employee of the Division of Insurance Fraud shall be designated by the Director of the Division to be responsible for taking the pertinent information from Anti-Fraud Reward Applicants and documenting that information. The designated employee will allow the Anti-Fraud Reward Applicant to remain anonymous if requested.

(b) The designated employee will assign a "Control Number" to each documentation and will enter the information into a database. The Control Number may be used for automatic retrieval of the information from the database.

(c) If an Anti-Fraud Reward Applicant wishes to remain anonymous, the designated employee will give the applicant a control number or code and instruct the applicant as to the dates that would be appropriate to call the case supervisor for information on the case status. This procedure will allow the applicant to anonymously monitor the case's progress up until final disposition.

(2) Case Evaluation and Tracking.

(a) A Division of Insurance Fraud field office Lieutenant will review information submitted by applicants and determine if the opening of a criminal case is warranted or if the information would be useful in an existing open criminal investigation.

(b) Information submitted by applicants will also be evaluated by the Lieutenant for the purpose of determining if the case fits the criteria for Major Case/Complex Case or Organized Crime as described in Rule 69D-1.003, F.A.C.

(c) The Lieutenant will document the results of these evaluations in the case-opening or case-closing documents for use in determining reward value, if any. The Lieutenant will also inform the designated employee of the results of these evaluations for documentation in the Reward Program database.

(3) Case Disposition.

A case that is declined at either the investigative or prosecutorial level will not be considered for a reward. A case that is accepted at both the investigative and prosecutorial levels will be considered for a reward only if it results in a conviction.

Specific Authority 624.308, 626.9892 FS. Law Implemented 119.07, 624.305, 624.307, 626.989, 626.9892 FS. History-New _____.

69D-1.003 Review Process and Reward Criteria.

(1) If information obtained from an applicant leads to an arrest, prosecution, and conviction, the corresponding case information shall be used to complete the Form DFS-L1-1474 (rev. 9/04) "Reward Application Summary," and such will be treated as an "Application for Reward". Form DFS-L1-1474 (rev. 9/04) Reward Application Summary is hereby adopted and incorporated by reference. This form may be obtained via the Department's web site at <http://www.fldfs.com>.

(2) Applications will be reviewed by a committee, consisting of each of the three chapter presidents of the Florida Association of Special Investigation Units or their designees, three regional supervisors of the Division of Insurance Fraud, the Director of Division of Insurance Fraud, and any person appointed by the Director.

(3) The committee will meet as needed to review the applications for reward, to determine whether or not a reward should be given, and to determine the amount of a reward.

(4) Only a single reward amount may be granted per investigation, but this amount may be divided among multiple Anti-Fraud Reward Applicants where applicable.

(5) A reward may only be given if information was submitted by an applicant to the Division of Insurance Fraud on or after October 1, 1999, and such information led to the arrest and conviction of a person who committed a complex or organized crime investigated by the Division arising from a violation Sections 440.105, 624.15, 626.9541, 626.989, or 817.234, F.S., and as set forth in subsections 69D-1.003(6), (7), and (8), F.A.C."

(6) Conviction as used in this rule means a judicial finding of guilt; a judicial finding of guilt in which adjudication is withheld; judicial acceptance of a negotiated plea; or judicial acceptance of a nolo contendere plea.

(7) A "Complex Case" for the purposes of this rule is defined as any case investigated by the Division of Insurance Fraud that involves one or more of the following characteristics:

(a) Multiple defendants – five or more.

(b) Criminal activity occurring in more than one jurisdiction, whether or not the case is accepted by the Statewide Prosecutor or U.S. Attorney.

(c) Aggregate value of loss over \$250,000.

(d) Records which require substantial analysis.

(e) Multiple victims or witnesses, including instances where investigators other than the lead investigator take witness statements.

(f) Specialized undercover investigations that take longer than one month.

(g) Task force activity involving other law enforcement agencies.

(h) Federal criminal charges.

(i) Insolvency investigation.

(j) Unauthorized entity investigation.

(8) "Organized Crime" for the purposes of this rule is defined as a systematic, on-going course of criminal conduct with intent to defraud one or more persons, and involving at least two incidents resulting in violations of the listed offenses in subsection 69D-1.003(8), F.A.C.

(9) Rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$100,000 or more but less than \$1,000,000.

(c) A reward of up to \$5,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$20,000 or more but less than \$100,000.

(d) A reward of up to \$1,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$20,000 or less but more than \$5,000.

(e) A reward of up to \$500 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$5,000 or less.

(f) \$250,000 has been allocated to pay rewards. In the event the allocated \$250,000 has been distributed no further rewards shall be granted."

(10) Actual monetary loss in a case is not required for an applicant to receive a reward, but in such cases the appraised value of the property involved will be a relevant factor.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History--New _____.

69D-1.004 Reward Disbursement.

(1) When a decision regarding a reward has been made by the committee and approved by the Chief Financial Officer, the Anti-Fraud Reward Applicant will receive a check from the Department of Financial Services' Revolving Travel Reimbursement Trust Fund. The reward will be presented by a regional supervisor and an investigator from the Division of Insurance Fraud. Upon receipt of the reward, the applicant will also be given a written notice explaining his or her responsibility to report this reward as income to the Internal Revenue Service.

(2) In the event that the applicant wishes to remain anonymous, a regional supervisor and an investigator from the Division of Insurance Fraud will take receipt of the check from the Department of Financial Services' Revolving Travel Reimbursement Fund and will negotiate such for cash. The cash reward will then be paid by either of the Division

employees to the anonymous applicant. Upon receipt of the reward, the anonymous applicant will also be given a written notice explaining his or her responsibility to report this reward as income to the Internal Revenue Service.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History--New _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles Gowland, Senior Attorney, Division of Insurance Fraud, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Miller, Division Director, Division of Insurance Fraud, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
2B-1	Practice and Procedure
RULE NOS.	RULE TITLES:
2B-1.0025	Complaints
2B-1.0027	Investigation of Complaints
2B-1.003	Minor Violations
2B-1.004	Hearings Before the Commission
2B-1.0045	Award of Attorney's Fees
2B-1.005	Appeal of Fines Imposed by Filing Officers
2B-1.0052	Fine Imposed; Timely Filed Reports
2B-1.0055	Late-File Reports; Unusual Circumstances

NOTICE OF CORRECTION

Notice is hereby given that the Notice of Proposed Rules Development regarding the above referenced rules published in the Florida Administrative Weekly, Page 3885. Vol. 30, No. 39, on September 24, 2004, contained an erroneous hearing date. The Proposed Rule Development Hearing will be held at 10:00 a.m., Monday, November 8, 2004, at the Florida Elections Commission Conference Room, 107 W. Gaines St., Suite 224, Collins Bldg., Tallahassee, FL. The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara M. Linthicum, Executive Director, 107 W. Gaines Street, Room 224, Tallahassee, Florida 32399, (850)922-4539

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference

NOTICE OF CORRECTION

The above-referenced proposed rule was published in the July 23, 2004, issue of the Florida Administrative Weekly, Vol. 30, No. 30, on page 3032.

The notice included November 15, 2004, as a proposed effective date for the rule. However, by operation of law, the earliest date for which the rule can become effective is November 16, 2004.

The foregoing correction does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Sluth, Paralegal, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6299, Suncom 229-6299, e-mail: jsluth@sfwmd.gov

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-21.001	Continuing Education for Interior Designers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 32, of the August 6, 2004 issue of the Florida Administrative Weekly:

Subsection 61G1-21.001(4) shall now read:

(4) A minimum of two (2) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the interior designer's respective area of practice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-24.001
 RULE TITLE: Continuing Education for Architects
 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. 32, of the August 6, 2004 issue of the Florida Administrative Weekly: Subsection 61G1-21.001(4) shall now read:

(4) A minimum of two (2) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. 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

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-3.001
 RULE TITLE: General Requirements of Clinical Laboratory Personnel Training Programs
 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. 25, June 18, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Paragraph 64B3-3.001(5)(m) shall now read as follows:

(5)(m) In the combined categories of clinical chemistry, hematology, immunohematology, microbiology, and serology/immunology, provide a minimum of one (1) year of integrated instruction covering all categories. For any one of the single categories listed in this subparagraph, a minimum of three months of instruction is required.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-20.0021
 RULE TITLE: Procedures for Filing Claim
 NOTICE OF CORRECTION

Notice is hereby given that subparagraph (10)(a)2.d. of the above rule, published in Vol. 30, No. 37, September 10, 2004, issue of the Florida Administrative Weekly, contained a scrivener's error. The words "will be electronically transferred", should have been stricken. The corrected language reads as follows:

69I-20.0021 Procedures for Filing Claim.

~~(10)(11)~~ Payment and Delivery of Property.

(a)2.d. For ~~Non-certificated~~ securities that cannot be sold due to market ~~conditions and can not be certificated, the Department will make an attempt to liquidity, current valuation or ongoing corporate activity but can be~~ electronically transferred, will be electronically transferred the securities to the claimant's an owner's-brokerage, or mutual fund, or other securities type account, providing ~~if~~ the information required by the securities industry is provided at the time the claim is filed.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLE: Distributions of 2004-05 Flu Vaccines
 RULE NO.: 64FER04-5
 SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Influenza, commonly called "the flu" is an infection of the respiratory tract caused by the influenza virus. Most people who get the flu recover completely in one to two weeks, but some people develop serious and potentially life-threatening medical complications such as pneumonia. In

an average year, influenza is associated with more than 36,000 deaths nationwide according to the U.S. Centers for Disease Control and Prevention, and more than 100,000 hospitalizations. Much of the illness and death caused by influenza can be prevented by annual influenza vaccinations. The 2004-2005 influenza vaccine is specifically recommended for people who are at high risk for developing serious complications as a result of influenza infection. These priority groups include: all children aged 6-23 months, adults 65 years or older, people aged 2 to 64 with underlying chronic medical conditions, women who will be pregnant during this influenza season, residents of nursing homes and long-term care facilities, children 6 months – 18 years of age on chronic aspirin therapy, health-care workers with direct patient care, and out-of-home caregivers and household contacts of children aged less than 6 months. On October 5, 2004, it was announced that approximately 50% of the anticipated 100 million doses of flu vaccine planned to be distributed in the United States, approximately 46-48 million doses manufactured by Chiron, would not be released. A shortage in the availability of the vaccine is therefore anticipated in Florida for the 2004-2005 flu season. It is expected that there will be fewer than 60 million doses of vaccine available in the United States which is a significant decrease from the approximately 86 million doses available the prior year when demand was not fully met.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Normal distribution channels for prescription drugs, which includes influenza vaccines, is from the manufacturer to a wholesaler to the end-user practitioner (health care entity). As a general rule, both federal and Florida law prohibit the distribution or redistribution of prescription drugs by health care entities such as hospitals and licensed medical practitioners. One exception to the prohibition against the wholesale distribution of prescription drugs by health care entities is for “emergency medical reasons”. In prior years when conditions warranted, the federal Food and Drug Administration authorized health care providers, under the “emergency medical reasons” exemption of Section 503(c)(3)(B)(IV) of the Food, Drug, and Cosmetic Act, to sell or transfer influenza vaccine to other health care providers.

The Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes, has a similar provision in Section 499.012(1)(a)2.b., F.S., for the “emergency medical reasons” exemption to the prohibition against the wholesale distribution of prescription drugs by health care entities if the distribution is conducted in accordance with rules established by the department. Rule authority appears in Section 499.05(1)(i), F.S., to implement an emergency medical reason exemption. The emergency rule provides the mechanism to allow for health care entities in Florida with vaccine surpluses to distribute their excess usable product to health care entities in Florida experiencing vaccine

shortages because of the demand and current shortage at the manufacturer level so that persons in the priority groups have access to the influenza vaccine during the 2004-05 flu season.

SUMMARY OF THE RULE: This emergency rule authorizes the distribution of surplus influenza vaccine by health care entities in Florida to other health care entities in Florida during the 2004-05 flu season.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jerry Hill, Chief, Bureau of Statewide Pharmaceutical Services, Department of Health, 2818-A Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE EMERGENCY RULE IS:

64FER04-5 Distributions of 2004-05 Flu Vaccines.

Due to demands for influenza vaccinations and shortages for the 2004-05 influenza season that could impact availability to persons identified in the priority groups in paragraph (4) below, from October 6, 2004 through January 4, 2005, health care entities, as defined in Section 499.003(21), F.S. in Florida are authorized under the emergency medical reasons exemption in Section 499.012(1)(a)2.b., F.S., to sell or transfer influenza vaccine to other health care entities in Florida under the following conditions:

(1) All influenza vaccine sold or transferred under this authorization must not be adulterated. All storage and handling requirements of the vaccine must have been maintained at all times, including periods of shipment and transit.

(2) Influenza vaccine is to be stored and shipped at 35° to 46° F (2° - 8° C), or as otherwise indicated in the labeling. Influenza vaccine cannot be frozen.

(3) Records of the receipt and subsequent sale or transfer of the vaccine must be maintained by the health care entity and be readily available and readily retrievable as defined in paragraph 64F-12.001(2)(o), F.A.C., for a period of two years after the distribution. At a minimum these records should include:

(a) Vaccine brand;

(b) Manufacturer;

(c) Number of doses transferred by lot number;

(d) The person from whom the doses were received, including the address and permit or license number;

(e) The person to whom the doses were sold or transferred, including the address and permit or license number;

(f) Date of the sale or transfer; and

(g) The full cost of the sale or transfer.

(4) Influenza vaccine transferred pursuant to this emergency rule is to be used on persons in the following priority groups: all children aged 6-23 months, adults 65 years or older, persons aged 2 to 64 with underlying chronic medical conditions, women who will be pregnant during this influenza season, residents of nursing homes and long-term care facilities, children 6 months – 18 years of age on chronic

aspirin therapy, health-care workers with direct patient care, and out-of-home caregivers and household contacts of children aged less than 6 months.

Specific Authority 499.05(1)(i) FS. Law Implemented 499.012(1)(a)2.b. FS. History—New 10-6-04.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 6, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE TITLE:

RULE NO.:

Alternative Procedures for Resolution of
Disputed Personal Lines Insurance Claims
Arising From Hurricane and Tropical
Storm Damage

69BER04-18

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Financial Services hereby states that the following circumstances constitute an immediate danger to the public health, safety, or welfare: The 2004 hurricane season has been particularly destructive for Florida. Substantial damage in southwest and central Florida was caused by Hurricane Charley, which hit the Punta Gorda and Port Charlotte area on August 13, 2004 as a category 4 hurricane with sustained winds up to 145 miles per hour. Hurricane Charley crossed northeast through the center of the state exiting near Daytona Beach. In a 10-mile wide path extending from the southwest coast there was widespread major damage to homes, loss of personal belongings and corresponding temporary loss of employment.

Additional damage was caused by Hurricane Frances, which hit the east coast of Florida coast on September 4, 2004 as a category 2 hurricane, and slowly crossed the peninsula. Hurricane Frances, though less intense than Charley, caused damage over a much wider area of the state.

On September 16, category 4 Hurricane Ivan caused massive damage in the Florida Panhandle. Hurricane Ivan impacted the Gulf Coast as a category 4 hurricane with sustained winds up to 130 miles per hour. The eye made land fall just west of the western Florida line, bringing hurricane force winds to much of the Florida Panhandle. The hurricane also produced tornados that destroyed and damaged structures in the Florida Panhandle. There was extensive damage in the Pensacola area, which was hit by the strong northeast quadrant of the storm as it made landfall.

This emergency rule is also necessitated by the damage resulting in Florida from Hurricane Jeanne, which made landfall near Stuart, Florida the night of September 25 as a category 3 hurricane with sustained winds up to 120 miles per hour. On September 26, the storm made a path northwest across the state. The Governor of Florida has declared a state

of emergency (Executive Order # 04-217). The President of the United States has declared 19 Florida counties a federal disaster area.

The Governor of Florida declared states of emergency as a result of each of the hurricanes.

Insured losses have been estimated at \$6.8 billion for Charley and at \$3 to \$10 billion for Frances. Preliminary damage estimates for Hurricane Ivan are \$2 to \$10 billion. Initial damage estimates for Hurricane Jeanne are \$ 4 billion in insured losses. This emergency rule implements Section 627.7015, Florida Statutes, by setting forth a non-adversarial alternative dispute resolution procedure for a facilitated claim resolution conference prompted by the critical need for effective, fair, and timely handling of personal lines insurance claims arising out of damages to property caused by hurricanes and tropical storms during the 2004 hurricane season.

SUMMARY OF THE RULE: This emergency rule establishes a special mediation program for personal lines residential insurance claims resulting from Hurricanes Charley, Frances, Ivan and Jeanne. The rule creates procedures for notice of the right to mediation, request for mediation, assignment of mediators, payment for mediation, and conduct of mediation. This rule supercedes Emergency Rule 69BER04-8, F.A.C. The compliance timeframes imposed under that rule are replaced with those imposed by this rule.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5802

THE FULL TEXT OF THE EMERGENCY RULE IS:

69BER04-18 Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising From Hurricane and Tropical Storm Damage.

(1) Purpose and Scope. This emergency rule implements Section 627.7015, Florida Statutes, by setting forth a non-adversarial alternative dispute resolution procedure for a facilitated claim resolution conference prompted by the critical need for effective, fair, and timely handling of personal lines insurance claims arising out of damages to residential property caused by hurricanes and tropical storms during the 2004 hurricane season (June 1, 2004 through November 30, 2004). Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible. The procedure established by this emergency rule is available to all first party claimants prior to engaging counsel, or commencing either litigation or the appraisal process, who have personal lines claims resulting from damage to residential property occurring in the State of Florida. This rule does not apply to commercial insurance, private passenger motor vehicle insurance or to liability coverage contained in property

insurance policies. This rule supercedes Emergency Rule 69BER04-8, F.A.C. The compliance timeframes imposed under that rule are replaced with those imposed by this rule.

(2) Definitions. The following definitions apply to the terms of this rule as used herein.

(a) "Administrator" means the Department or its designee, and the term is used interchangeably with regard to the Department's duties under this rule.

(b) "Claim" means any matter on which there is a dispute or for which the insurer has denied payment. Unless the parties agree to mediate a claim involving a lesser amount, a "claim" involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, in either case, notwithstanding any applicable deductible. "Claim" does not include a dispute with respect to which the insurer has reported allegations of fraud, based on an investigation by the insurer's special investigative unit, to the Department's Division of Insurance Fraud.

(c) "Department" means the Department of Financial Services or its designee. Reporting to the Department shall be directed to: Department of Financial Services, Mediation Section, Bureau of Insurance Consumer Assistance, Tallahassee, Florida 32399-0322; or by facsimile to (850)488-2349.

(d) "Mediator" means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be selected from a panel of Circuit Court – Civil mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court Appointed Mediators or from the list of approved mediators pursuant to Rule 69B-166.031, Florida Administrative Code.

(e) "Party" or "Parties" means the insured and his or her insurer, including Citizens Property Insurance Corporation, the National Flood Insurance Program and insurers who write flood insurance in conjunction with the National Flood Insurance Program, when applicable.

(3) Notification of Right to Mediate. Within 5 days of the time an insured files a first-party claim, the insurer shall mail to the insured a notice of the right to mediate disputed claims. No other materials, forms or documents may be included in the mailing that contains this notice. For claims not yet settled that were filed prior to the effective date of this rule, the insurer shall mail the notice to the insured within 14 days of the effective date of this rule. Notification shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statement: "Tom Gallagher, Chief Financial Officer for the State of Florida, has adopted an emergency rule to facilitate fair and timely handling of residential property insurance claims arising out of the hurricanes that have recently devastated so many homes in Florida. The emergency rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. You can

start the mediation process 21 days after the date of this notice by calling the Department of Financial Services at 1(800)227-8676 (1(800)22-Storm). An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference." The notice shall also:

(a) Include detailed instructions on how the insured is to request mediation, including name, address, and phone and fax numbers for requesting mediation through the Department;

(b) State that the parties have 21 days from the date of the notice within which to settle the claim before the insured may request mediation;

(c) Include the insurer's address and phone number for requesting additional information; and

(d) State that the Department or the Administrator will select the mediator.

(4) Request for Mediation. After 21 days from the date of the notice, an insured may request mediation by contacting the insurer or by writing to the Department of Financial Services, Mediation Section, Bureau of Insurance Consumer Assistance, Tallahassee, Florida 32399-0322; by calling the Department at 1(800)22-Storm (1(800)227-8676); or by faxing a request to the Department at (850)488-2349. If an insurer receives a request for mediation, the insurer shall fax the request to the Mediation Section within 48 hours of receipt of the request. The Department will forward requests to the Administrator within 24 hours of receipt of the requests. The Administrator shall notify the insurer within 48 hours of receipt of requests filed with the Department. The insured should provide the following information if known:

(a) Name, address, and daytime telephone number of the insured and location of the property if different from the address given;

(b) The claim and policy number for the insured;

(c) A brief description of the nature of the dispute; and

(d) The name of the insurer and the name, address and phone number of the contact person for scheduling mediation.

(e) Information with respect to any other policies of insurance that may provide coverage of the insured property for named perils such as flood or windstorm.

(5) Scheduling of Mediation. The Administrator will select a mediator and schedule the mediation conference. The Administrator will attempt to facilitate reduced travel and expense to the parties and the mediator when selecting a mediator and scheduling the mediation conference. The Administrator shall confer with the mediator and all parties prior to scheduling a mediation conference. The conference shall be scheduled to be held within 20 days from the date the Administrator received the request unless the parties agree to a later date for the conference. The Administrator shall notify each party in writing of the date, time and place of the mediation conference at least 10 days prior to the date of the conference and concurrently send a copy of the notice to the

Department. The insurer shall notify the Administrator as soon as possible after settlement of any claim that is scheduled for mediation pursuant to this rule.

Mediation Conference.

(a) The representative of the insurer attending the conference must bring a copy of the policy and the entire claims file to the conference. The representative of the insurer attending the conference must know the facts and circumstances of the claim and be knowledgeable of the provisions of the policy. An insurer will be deemed to have failed to appear if the insurer's representative lacks authority to settle the full amount of the claim or lacks the ability to disburse the settlement amount at the conclusion of the conference.

(b) A party may move to disqualify a mediator for good cause at any time. The request shall be directed to the Department if the grounds are known prior to the mediation conference. Good cause consists of conflict of interest between a party and the mediator, inability of the mediator to handle the conference competently, or other reasons that would reasonably be expected to impair the conference.

(c) The insurer shall pay all costs of the mediation, except as otherwise provided in this rule. Costs shall be paid directly to the Administrator. Within 5 days of receipt of the request, the insurer shall pay a non-refundable administrative fee, not to exceed \$100, as determined by the Department, to the Administrator to defer the expenses of the Administrator and the Department. The insurer shall pay \$250 to the Administrator for the mediator's fee not later than 5 days prior to the date scheduled for the mediation conference. However, if the mediation is cancelled for any reason more than 120 hours prior to the scheduled mediation time and date, the insurer shall pay \$50 to the Administrator for the mediator's fee instead of \$250. No part of the fee for the mediator shall be refunded to the insurer if the conference is cancelled within 120 hours of the scheduled time.

(d) If the insured fails to appear, without good cause as determined by the Department, the insured may have the conference rescheduled only upon the insured's payment of the mediation fees for the rescheduled conference. If the insurer fails to appear at the conference, without good cause as determined by the Department, the insurer shall pay the insured's actual expenses incurred in attending the conference and shall pay the mediator's fee whether or not good cause exists. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered a failure to appear. Good cause shall consist of severe illness, injury, or other emergency which could not be controlled by the insured or the insurer and, with respect to an insurer, could not reasonably be remedied prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure

to appear, the insurer shall be subject to penalty, including suspension, revocation, or fine for violating Section 626.9541(1)(i), Florida Statutes.

(e) Upon request of the insured or the mediator, a representative of the Department will be available to help insureds prepare for the mediation conferences. A representative of the Department will be present at and participate in the conference if requested at least 5 days prior to the scheduled mediation by a party or the mediator to offer guidance and assistance to the parties. The Department will attempt to have a representative at the conference if the request is received less than 5 days prior to the scheduled mediation. Representatives of the Department that participate in the conference shall not assume an advocacy role but shall be available to provide legal and technical insurance information.

(f) The mediator will be in charge of the conference and will establish and describe the procedures to be followed. Mediators shall conduct the conference in accordance with the standards of professional conduct for mediation under the Florida Rules of Certified and Court-Appointed Mediators. Each party will be given an opportunity to present their side of the controversy. In so doing, parties may utilize any relevant documents and may bring any individuals with knowledge of the issues, such as adjusters, appraisers, or contractors, to address the mediator. The mediator may meet with the parties separately, encourage meaningful communications and negotiations, and otherwise assist the parties to arrive at a settlement. For purposes of this claims settlement process, mediators shall be deemed agents of the Department and shall have the immunity from suit provided to mediators in Section 44.107, Florida Statutes. All statements made and documents produced at a settlement conference shall be deemed settlement negotiations in anticipation of litigation.

(g) Section 627.7015, Florida Statutes, provides that mediation is a non-adversarial process held in an informal, non-threatening forum intended to bring the parties together for a settlement conference without the trappings or drawbacks of an adversarial process. As such, it is not necessary for either party to involve a private attorney to intercede on their behalf. Therefore, an attorney representing an insurer will not be permitted to attend or participate in a mediation conference held pursuant to this rule. An attorney representing an insured is permitted to attend or participate in a mediation conference held pursuant to this rule. However, the insured's attorney must conduct him or herself in the cooperative spirit of the intent of the law and this rule and refrain from turning the conference into an adversarial process. The insured's attorney shall refrain from attempting to take advantage of the fact that the insurer is not represented by counsel. Both parties must negotiate in good faith. A party will be determined to have not negotiated in good faith if the party, or a person participating on the party's behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the

negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators.

(6) Post Mediation. Within 5 days of the conclusion of the conference the mediator shall file with the Department and the Administrator a mediator's status report, on Form DFS-HO-1159 which is entitled Disposition of Property Insurance Mediation Conference and is available from the Department, indicating whether or not the parties reached a settlement. If the parties reached a settlement, the mediator shall include a copy of the settlement agreement with the status report. Mediation is non-binding. However, if a settlement is reached, the insured shall have 3 business days within which he or she may rescind any settlement agreement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it shall act as a release of all specific claims that were presented in the conference. Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(7) If the insured decides not to participate in this claim resolution process or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured's insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

(8) The Department is authorized to designate an entity or person as its Administrator to carry out any of the Department's duties under this rule.

(9) If a court holds any subsection or portion of a subsection of this emergency rule or the applicability thereof to any person or circumstance invalid, the remainder of the emergency rule shall not be affected thereby.

(10) The applicable provisions of Rule 69B-166.031, Florida Administrative Code, shall govern issues relating to mediation that are not addressed in this rule. The provisions of this emergency rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031, Florida Administrative Code.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1),(2),(4),(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(i), 626.9561, 626.9641(1)(g), 627.7015 FS. History--New 10-11-04.

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

EFFECTIVE DATE: October 11, 2004

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given that the Petition for Waiver and Variance from Roy Van Wyk, Esquire, on behalf of NextiraOne, LLC, as noticed in Vol. 30, No. 37, of the Florida Administrative Weekly on September 10, 2004, has 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 HEALTH

NOTICE IS HEREBY GIVEN THAT ON October 12, 2004, the Board of Physical Therapy Practice filed a Petition for Variance from Rule 64B17-3.003, F.A.C., from Dawn C. Kolkman. The Petition requests a variance from the rule that requires active licensure in another jurisdiction for licensure in Florida by endorsement.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

For a copy of the petition or information regarding hearing date and location where petition will be considered, contact: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

NOTICE IS HEREBY GIVEN THAT ON October 13, 2004, the Board of Physical Therapy Practice received a Petition for Waiver from Rules 64B17-3.001 and 64B17-3.003, F.A.C., from Jacqueline L. Astrero. The Petition requests a waiver from the rules that require in her new application a new credentials evaluation report, a minimum of 75 professional education credits and active licensure in another jurisdiction.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

For a copy of the petition or information regarding hearing date and location where petition will be considered, contact: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

The Board of Psychology hereby gives notice that it has received a petition, filed on September 30, 2004 on behalf of Daniel S. Marr, Psy.D., seeking a variance or waiver of paragraph 64B19-11.005(1)(c), F.A.C. The Petitioner seeks requirement satisfaction regarding his completion of a post-doctoral training program under the supervision of licensed psychologists in Canada at the Department of Clinical Health Psychology, University of Manitoba, which is fully accredited by the American Psychological Association and the Canadian Psychological Association.

This matter will be addressed during the scheduled Board meeting on November 19, 2004 at 8:00 a.m., or shortly thereafter, via conference call. The conference call number is: (850)488-0979.

Comments on this petition should be filed with the Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373, Ext. 3480.

The Board of Psychology hereby gives notice of public hearing on the Petition for Variance and Waiver of paragraph 64B19-11.001(4)(c), F.A.C., on behalf of Susan A. Henderson, Psy.D., at the scheduled Board meeting on November 19, 2004, at 8:00 a.m., or shortly thereafter, via conference call. The Notice of the filing of the Petition was previously published in Vol. 30, No. 43, of the October 22, 2004 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PETITION IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

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

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on October 7, 2004, Florida Housing Finance Corporation received a withdrawal of a Petition for Waiver of subsection 67-50.005(6), F.A.C., from Sandhill Enterprises, Inc. d/b/a W. C. Dailey Construction, seeking a variance from the rule which requires all roads in the development to be paved roads.

A copy of the Withdrawal can be obtained from Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: November 9, 2004, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee,

Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Friends of Mission San Luis**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 1, 2004, 12:00 Noon
PLACE: Mission San Luis, Director of Development's office, Messer House, 2020 Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include 2005 Heritage Festival, endowment campaign, and other board business.

If you have questions or would like a copy of the agenda, please feel free to contact: Ms. Elyse Cornelison, (850)487-3655.

The **Department of State, Division of Elections** announces the following meetings of the State Elections Canvassing Commission for the 2004 General Election.

DATE AND TIME: Thursday, November 4, 2004, 5:00 p.m.
PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review first unofficial returns to determine if a machine recount is required pursuant to Section 102.141, F.S.

DATE AND TIME: Friday, November 5, 2004, 5:00 p.m.
PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: If necessary, review second unofficial returns to determine if a manual recount is required pursuant to Section 102.166, F.S.

DATE AND TIME: Sunday, November 14, 2004, 3:00 p.m.
PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certify official results for the 2004 General Election.

For additional information contact: Sarah Jane Bradshaw, Assistant Director, Division of Elections, (850)245-6200.

Any person requiring special accommodations due to disability or physical impairment should contact the agency at least 3 days prior to the meeting in order to request any special assistance by calling: Sarah Jane Bradshaw, (850)245-6200.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public meetings to which all persons are invited:

DATES AND TIME: November 9-11, 2004; 9:00 a.m. – conclusion

PLACE: Disney Coronado Springs Hotel, 1001 West Buena Vista Drive, Lake Buena Vista, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Arts Council and panel review of Cultural Facilities Program applications.

ACTION TO BE TAKEN: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the council. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions, please call (850)245-6473.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website: www.Florida-Arts.org, or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473, e-mail: dalborn@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 4th day of November 2004, if you need an accommodation. Accommodations can be arranged through: Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Board of Directors, **Florida Agriculture in the Classroom**, Inc. will hold its annual retreat to which all interested persons are invited to participate.

Regular board meeting

DATE AND TIME: November 3, 2004, 1:00 p.m. – 4:00 p.m.

Long-term Planning Session

DATE AND TIME: November 4, 2004, 9:00 a.m. – 1:00 p.m.

PLACE: Casa Monica Hotel, St. Augustine, 95 Cordova St., St. Augustine, FL

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATES AND TIMES: Thursday, November 4, 2004, 12:00 Noon; Wednesday, November 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.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Beef Council (FBC).

DATE AND TIME: Thursday, November 11, 2004, 1:00 p.m.

PLACE: Florida Cattlemen's Association, 800 Shakerag Road, Kissimmee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct general business of the Florida Beef Council.

If special accommodations are needed to attend this meeting, please contact Tony Fendrick, (850)488-4366.

DEPARTMENT OF EDUCATION

The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited:

DATE AND TIME: Wednesday, November 10, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: Room 1703/07, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the items to be addressed may be obtained by contacting: Office of Articulation, Florida Department of Education, Room 1401, Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0427, Suncom 205-0427.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling: Dr. Laura Hébert, (850)245-0427.

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

DATE AND TIME: November 5, 2004, 9:00 a.m. – Teacher Hearing Panel

PLACE: Radisson Barcelo Hotel, 8444 International Drive, Orlando, Florida 32819, (407)345-0505

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 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 **Commissioner of Education** would like to announce the third meeting of the Career Education Study Task Force to which all interested persons are invited.

DATE AND TIME: October 29, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Keiser College, 5600 Lake Underhill Road, Orlando, FL 32807, (407)273-5800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recap of Session II topics, improvements to secondary and postsecondary career education programs, and task force discussion of possible recommendations.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Bonnie Marmor, (850)245-9469, at least five calendar days prior to the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs (DCA)** announces a series of work group meetings to which all interested parties are invited.

DATES AND TIMES: November 4, 2004, 2:00 p.m. – 5:00 p.m.; January 11, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: The Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the State of Florida Consolidated Plan for Federal Fiscal Year 2005-2010 and to receive input or comments from the public and/or interested parties.

PLAN SUMMARY: The State of Florida is required to submit a Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The plan must cover the grant programs funded by HUD as well as other information related to housing and community development. Grant programs included in the Plan are the Florida Small Cities Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Home Investment Partnership (HOME) and Housing Opportunities for Persons with Aids (HOPWA). The Plan must also contain specific elements outlined in federal regulations. These elements include: special needs of the homeless, farmworkers, elderly, disabled, and persons with AIDS; health and safety issues such as the alleviation of lead based paint hazards; fair housing and equal opportunity; affordable housing; and efforts to reduce poverty.

ACTION TO BE TAKEN: At the workgroup meetings, staff from the CDBG, ESG, HOME and HOPWA programs, as well as staff from other state agencies and nonprofits, will work in

committees to review, research and develop information to be included in the Consolidated Plan. Interested parties are encouraged to attend.

A copy of the agenda may be obtained by appearing in person at the agency headquarters or by email or calling: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644, e-mail: rich.miller@dca.state.fl.us or judy.peacock@dca.state.fl.us.

Written comments are encouraged throughout the process. They may be submitted at any one of the meetings or mailed to the address listed.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)922-8771 (TDD).

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** announces a Selection Committee meeting to which all persons are invited to attend.

DATE AND TIME: Friday, November 5, 2004, 11:00 a.m. – 12:00 Noon

PLACE: Emerald Coast Room, 6th Floor, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To score responses received from the Invitation to Negotiate for Global Custody and Securities Lending Services issued on September 3, 2004 and to select and announce the finalists.

Anyone wishing further information should contact: Robert Copeland, Chief Operating Office, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Robert Copeland, (850)413-1212, five days prior to the meeting so that appropriate arrangements can be made.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a staff rule development workshop to be held on Rule No. 24-4.0665, F.A.C., Lifeline Service, (DOCKET NO. 040451-TP) to which all interested persons are invited to participate.

DATE AND TIME: Friday, November 5, 2004, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop will address the Office of Public Counsel's September 3, 2004, draft rule language.

The Notice of Proposed Rule Development was published in the July 30, 2004, Florida Administrative Weekly, Vol. 30, No. 31.

A copy of the agenda for this workshop will be distributed on or before October 25, 2004. If you have any questions in regard to this workshop, please contact: Samantha Cibula, Appeals, Rules and Mediation Section, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6202.

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 workshop. 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.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: North Central Florida (District 3) Local Emergency Planning Committee

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

PLACE: Progress Corporate Park, 13709 Progress Boulevard, Alachua, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Local Emergency Planning Committee.

MEETING: North Central Florida Regional Hazardous Materials Response Team Policy Board

DATE AND TIME: November 19, 2004, 1:15 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 NW 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team.

Any persons deciding to appeal any decision with respect to any matter considered at the meetings may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Monday, November 1, 2004, 9:00 a.m.

PLACE: Yulee County Building, 86026 Pages Dairy Road, Yulee, Florida 32097

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of Regional Impact (DRI) Site Visit for Yulee Areawide.

All invitees will meet at the above location to be transported to the site.

Information regarding this site visit may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216, (904)279-0880.

Notice is also given that two or more members of 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**, Growth Management Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, November 4, 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**, Personnel, Budget and Finance Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, November 4, 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 personnel, budget, and finance policy matters.

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, November 4, 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 meeting to which all persons are invited:

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

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

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.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, October 28, 2004, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: November 9, 2004, 9:00 a.m.

PLACE: Lafayette County Commission Room, 2nd Floor, Lafayette County Courthouse, Corner of Fletcher and Maine, Mayo, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting - to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed conveyance of 6,140 acres +/- in Columbia County, Florida, to the Department of Agriculture Forest Service. This property was acquired using WSA Wetlands Mitigation Funds. Also, the proposed declaration as surplus of 157 acres +/- in Columbia County and sale of said

lands to the United States Department of Agriculture Forest Service, National Forests in Florida. Also, the proposed acquisition of the Robert and Deborah DeVaney/Mallory Swamp Addition, 1,037 acres +/- located in Lafayette County.

DATE AND TIME: November 9, 2004, 2:00 p.m.

PLACE: Fiddler's Restaurant, 1306 S. E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Programs Workshop.

DATE AND TIME: November 10, 2004, 8:30 a.m.

PLACE: Fiddler's Restaurant, 1306 SE Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of District Programs Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

SWFWMD LAND RESOURCES DEPARTMENT VOLUNTEER APPRECIATION DAY

DATE AND TIME: Saturday, October 30, 2004, 11:00 a.m. – 3:00 p.m.

PLACE: Green Swamp West Field Office, Ranch Road, Dade City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recognize the contribution of volunteers for the maintenance of recreational trails and campgrounds on District lands.

AMERICAN WATER RESOURCES ASSOCIATION CONFERENCE

DATES AND TIME: November 1-4, 2004

PLACE: Sheraton World Resort, 10100 International Drive, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A forum for discussion of the many multidisciplinary aspects of water resources. Some Governing and Basin Board members may attend an optional reception and dinner on Wednesday, November 3, 2004, 5:30 p.m. in the conference hotel. No District business will be discussed and no District funds will be expended.

ANNUAL CONFERENCE ON WATER MANAGEMENT
DATES AND TIME: November 4-5, 2004
PLACE: Sheraton World Resort, 10100 International Drive, Orlando, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations and proposed policies regarding water supply; funding incentives for local governments to develop alternative water supplies, regional water supply planning, and growth management issues.
The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact: 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:
DATE AND TIME: Monday, November 8, 2004, 8:30 a.m. (Cancels meetings scheduled for November 4, 2004 and for November 9, 2004)
PLACE: SFWMD, Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Monthly Meeting.
A copy of the agenda may be obtained at the (1) District Website www.sfwmd.gov/gover/wrac/agendas.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: Rick Smith, WRAC Facilitator, Governing Board and Executive Services Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:
DATE AND TIME: Tuesday, November 8, 2004, 3:00 p.m. – completed
PLACE: Sheraton Key Largo Resort, 97000 South Overseas Highway, Key Largo, Florida 33037
GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting to discuss Human Resource matters. 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.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.
Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.
Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:
DATE AND TIME: Tuesday, November 9, 2004, 9:00 a.m. – complete
PLACE: Sheraton Key Largo Resort, 97000 Overseas Highway, Key Largo, Florida 33037
GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Audit Committee Meeting to discuss Finance and Audit 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.
Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.
Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.
Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, November 9, 2004, 10:00 a.m. – complete

PLACE: Sheraton Key Largo Resort, 97000 Overseas Highway, Key Largo, Florida 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop to discuss District 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.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, November 10, 2004, 9:00 a.m. – complete

PLACE: Sheraton Key Largo Resort, 97000 Overseas Highway, Key Largo, Florida 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

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.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally

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

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Panel on Excellence in Long-Term Care to which all interested parties are invited.

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

PLACE: AHCA, Bldg. 3, Conf. Room D, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Panel on Excellence in Long-Term Care. The purpose of this meeting is to vote on applications to be recommended to the Governor for the Gold Seal award. Other matters before the Panel will also be discussed.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Barbara Dombrowski, (850)414-9707, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Barbara Dombrowski, Agency for Health Care Administration, Bldg. 3, Room 1229, MS 51, 2727 Mahan Drive, Tallahassee, FL 32308.

The **Division of Medicaid** announces a meeting to discuss prior authorization of private duty nursing and personal care services under the Medicaid state plan, to which all interested persons are invited.

DATE AND TIME: October 27, 2004, 11:30 p.m. – 1:30 p.m.

PLACE: Children's Medical Services Conference Room, 5655 S. Orange Avenue, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Implementation of a prior authorization program for private duty nursing and personal care services under the Medicaid state plan. Input is solicited from caregivers of children currently receiving private duty nursing or personal care services under the Medicaid state plan, regarding the transition to a statewide prior authorization program. For information or a copy of the agenda, please call: Florida Institute for Family Involvement, (877)926-3514.

DEPARTMENT OF MANAGEMENT SERVICES

The Governor’s Americans with Disabilities Act Working Group, which is administered by the **Department of Management Services** announces a meeting of its Board, and a joint Public Hearing with the Governor’s Blue Ribbon Task Force on Transition, to which all interested persons are invited.

BOARD MEETING

DATES AND TIMES: November 17, 2004, 1:00 p.m. – 5:00 p.m.; November 18, 2004, 9:00 a.m. – 3:30 p.m.; November 19, 2004, 9:00 a.m. – 12:00 Noon

JOINT PUBLIC HEARING

DATE AND TIME: November 18, 2004, 4:00 p.m. – 6:00 p.m.
PLACE: Sofitel Miami, 5800 Blue Lagoon Drive, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To facilitate the mission of the Governor’s Americans with Disabilities Act Working Group and the Governor’s Blue Ribbon Task Force on Transition.

A copy of the Board meeting agenda may be obtained by writing or calling: Americans with Disabilities Act Working Group, Building 4050 Esplanade Way, Ste. 160K, Tallahassee, Florida 32399-0950, (850)922-4103 (Voice), (850)922-4103 (TTY).

Should you require accommodations or materials in alternative formats, please contact: Stacia Woolverton, (850)922-4103 (Voice) or (850)922-4103 (TTY).

For additional information on the Governor’s Blue Ribbon Task Force, please log onto: www.dcf.state.fl.us/apd/blue/index.shtml.

The **Florida Black Business Investment Board**, Inc. (FBBIB) and the Access Florida Committee will hold their Board of Directors’ meetings to which all interested persons are invited. The Florida Black Business Investment Board, Inc. (FBBIB) in conjunction with the Florida State Hispanic Chamber of Commerce (FSHCC) will hold their Second Annual Minority Community Economic Development Conference to which all interested persons are invited.

For more information please contact: Paula Duncan, (850)487-4850.

ACCESS FL

DATE AND TIME: Wednesday, November 3, 2004, 9:00 a.m. – 10:00 a. m.

PLACE: Palm Beach County Convention Center, 1555 Palm Beach Lakes Boulevard, West Palm Beach, FL 33401, (561)233-3000

FBBIB

DATE AND TIME: Wednesday, November 3, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Palm Beach County Convention Center, 1555 Palm Beach Lakes Boulevard, West Palm Beach, FL 33401, (561)233-3000

CONFERENCE

DATES AND TIMES: November 3, 2004, 12:00 Noon – 5:00 p.m.; November 4, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Palm Beach County Convention Center, 1555 Palm Beach Lakes Boulevard, West Palm Beach, FL 33401, (561)233-3000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Board’s operations, to identify areas for future Board priorities, loan, audit, and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, Inc., 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB office, (850)487-4850, at least seven (7) days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: October 26, 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 **Department of Business and Professional Regulation, Board of Cosmetology** hereby gives notice that a legislative workshop will be held at the time, date and place listed below:

DATE AND TIME: October 29, 2004, 9:00 a.m.

PLACE: Tallahassee, Florida via meet me telephone conference, Toll free 1(888)461-8118, Local (850)414-5775, Suncom, 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purposes of proposed changes to Chapter 477, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE LEGISLATIVE WORKSHOP IS: Julia Malone, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

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

The **Department of Business and Professional Regulation** announces a telephone conference meeting of the Florida Board of Cosmetology to which all persons are invited to participate.

DATE AND TIME: Friday, October 29, 2004, 3:00 p.m.

PLACE: By telephone conference call. The number to dial to connect is 1(888)461-8118 (toll free) or (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Suite #60, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the 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 Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, November 1, 2004, 1:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Ninth Floor, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Appraisal Board members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors to consider mobile home applications for compensation and relocation due to eviction as a result of land use change.

DATE AND TIME: Friday, November 5, 2004, 9:00 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 22760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner application for compensation for relocation and/or abandonment due to change in the use of the land, and such other business as may come before the board. A schedule for the next meeting will be determined.

Additional information may be obtained by contacting: Connie Prince, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Workgroup on Mammography Accessibility** announces public meetings and conference calls to which all persons are invited.

DATE AND TIME: Monday, November 1, 2004, 4:00 p.m. – conclusion

PLACE: Call Toll Free 1(800)351-6801, To access conference, use code SB2306

DATE AND TIME: Thursday, November 4, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

DATE AND TIME: Tuesday, November 9, 2004, 4:00 p.m. – conclusion

PLACE: Call Toll Free 1(800)351-6801, To access conference, use code SB2306

DATE AND TIME: Tuesday, November 16, 2004, 4:00 p.m. – conclusion

PLACE: Call Toll Free 1(800)351-6801, To access conference, use code SB2306

DATE AND TIME: Thursday, December 2, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Workgroup on Mammography Accessibility will study issues and make recommendations to protect Floridians' availability utilization, access to quality and affordable mammography services. The Workgroup on Mammography Accessibility shall study the relevant issues and make written recommendations and/or propose legislation. The study shall include, but need not be limited to, examining the following factors that impact availability utilization, quality, and cost: reimbursement fees, copayment fees paid by patients, incidence of lawsuits filed, equipment and liability insurance costs and insurance availability, equipment maintenance and calibration, staffing requirements and training, type and number of facilities performing mammography, facilities surveyed by the Bureau of Radiation Control of the Department of Health, population density of females aged 40 and older in each county, and other factors that relate to the demand and availability of mammography services; the need for research and educational facilities, including facilities with institutional training programs and community training programs for doctors of radiological medicine at the student, internship, and residency levels; the availability of resources, including health personnel and management personnel for mammography programs. The patient-wait times for screening and diagnostic mammography. A report of such recommendations and/or proposed legislation shall be submitted by December 15, 2004, to the Governor, the President of the Florida Senate and the Speaker of the House of

Representatives, and legislative committees which provides the findings of the workgroup and recommendations for Legislative action.

To aid its study of the issues and the development of its recommendations, the Workgroup on Mammography Accessibility shall take public testimony from experts and stakeholders. In addition, the Workgroup on Mammography Accessibility is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, legal, insurance and other issues involved.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Karen Eaton, Executive Director, Mammography Accessibility Workgroup, (850)245-4740, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Eaton using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Karen Eaton, Executive Director, Mammography Accessibility Workgroup, (850)245-4740, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Eaton using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this meeting, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The Florida **Department of Health, Division of Medical Quality Assurance** announces the annual long-range planning board/council chairs meeting.

DATE AND TIME: Monday, November 8, 2004, 9:00 a.m. – 4:30 p.m.

PLACE: Doubletree Hotel, 101 S. Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to review with the board/council chairs as required by Section 456.005, F.S., the long-range policy planning and monitoring process to include recommendations specific to each profession.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Medical Quality Assurance, (850)245-4124, at least five (5) calendar days prior to the meeting. If you are hearing

or speech impaired, please call Florida Medical Quality Assurance 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: Amy M. Jones, Director, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3253.

The Florida **Department of Health, Division of Medical Quality Assurance** announces the annual training workshop for MQA Budget Liaisons.

DATE AND TIME: Monday, November 8, 2004, 9:00 a.m. – 4:30 p.m.

PLACE: Doubletree Hotel, 101 S. Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to conduct a training workshop for MQA Budget Liaisons.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Medical Quality Assurance, (850)245-4124, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Florida Medical Quality Assurance 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: Jim Hentz, Senior Budget Analyst, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3253.

The **Department of Health, Board of Hearing Aid Specialists** announces an official board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: November 12, 2004, 9:00 a.m.

PLACE: Ramada Inn, 2900 N. Monroe St., Tallahassee, FL 32303, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at least one week prior to meeting date.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: November 12, 2004, 2:00 p.m.

PLACE: Meet Me Number (850)414-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414; 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: November 19, 2004, 2:00 p.m.

PLACE: Meet Me Number (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2004, 12:00 Noon or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: October 28, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number, (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the

meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: November 17, 2004, 6:00 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number, (850)921-5551

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The Florida **Board of Osteopathic Medicine** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Friday, November 12, 2004, 5:00 p.m. or shortly thereafter; Saturday, November 13, 2004, 9:00 a.m. or shortly thereafter

PLACE: Crowne Plaza, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited:

DATES AND TIMES: November 18, 2004, 6:30 p.m. or soon thereafter; November 19, 2004, 8:00 a.m. or soon thereafter

PLACE: Jacksonville Omni Hotel, 245 Water Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting/Rules Workshop.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Tallahassee, FL 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Wednesday, November 3, 2004, 9:00 a.m. or soon thereafter

PLACE: Meet me Number (850)410-0968, Suncom 210-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the

meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, DeSoto County Community Alliance would like to announce the following Community-Based Care Alliance Meeting:

DATE AND TIME: October 26, 2004, 11:00 a.m.

Place: DCF Arcadia Service Center, Room 307, 805 North Mills Ave., Arcadia, Florida

For further information, call: Kerri Gibson, (941)741-3202.

The next meeting of The **Governor's Developmental Disabilities Blue Ribbon Task Force** will be held as follows:

DATES AND TIMES: Wednesday, November 3, 2004, 9:00 a.m. – 5:00 p.m.; Thursday, November 4, 2004, 8:30 a.m. – 5:00 p.m.; Friday, November 5, 2004, 8:30 a.m. – 4:00 p.m.

PLACE: Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to continue work on the development of a recommended plan of action for expanding and improving inclusive community living options for individuals with developmental disabilities; coordinating the provision of transition services statewide for students with developmental disabilities as they leave school and seek employment, postsecondary education, vocational training, programs and/or adult community services; and expanding and improving competitive, integrated employment opportunities for individuals with developmental disabilities.

Any person requiring special accommodations is asked to advise the Task Force by contacting Sylvia Peacock, (850)414-7605 by October 27, 2004. If you are hearing or speech impaired, please call (850)922-4449 (TDD).

The **Department of Children and Family Services, Mental Health Program Office** announces three workshops to which all persons are invited:

DATES AND TIMES: November 3, 2004, 10:00 a.m.; January 18, 2005, 10:00 a.m.; February 15, 2005, 10:00 a.m.

PLACE: The three workgroups will be held at the Department of Children and Family Services, District 4 Office, Auditorium 4, 5920 Arlington Expressway, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department, in accordance with Chapter 2004-385, Sections 12 and 13, L.O.F., is coordinating a Baker Act workgroup for the purpose of determining the fiscal impact, if any, of including in the involuntary examination provisions of the Baker Act licensed mental health counselors and other mental health professionals who are not presently permitted by law to seek involuntary examination under the Baker Act. The workgroup includes: two members appointed by the Speaker of the House of Representatives, two members appointed by the President of the Senate, two members appointed by the Governor, two members appointed by the Secretary of Children and Family Services, and a representative of the Duval County Sheriff's Office.

A copy of the workgroup agenda may be obtained by contacting Mary Harris, mharris@fmhi.usf.edu, or by writing: Mary Harris, Florida Mental Health Institute, Department of Mental Health Law and Policy, MHC 2620, 23301 Bruce B. Downs Blvd., Tampa, FL 33612, (813)974-4672.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to contact Linda Henshaw, Department of Children and Family Services, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 292, Tallahassee, Florida 32399-0700, (850)921-5724, Ext. 111 (Voice) or if you are hearing or speech impaired please call (850)921-8880 (TDD), as soon as possible but at least 48 hours prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning net measurement, to which all interested persons are invited:

TIMES, DATES, AND PLACES:

DATE AND TIME: November 5, 2004, 6:00 p.m. – 8:00 p.m. (CST)

PLACE: Gulf Coast Community College, Student Union East, Room 243, 5230 W. U.S. Highway 98, Panama City, Florida 32401

DATE AND TIME: November 16, 2004, 6:00 - 8:00 p.m.

PLACE: Old County Courthouse, East Room, 2115 Second St., Ft. Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission heard public testimony regarding a preliminary draft rule regarding net specifications at their meeting held in St. Petersburg, Florida, on September 23, 2004. The preliminary draft rule will incorporate provisions of Florida Statute 370.093 in rule;

substitute rule references to "seine" with "net" to clarify that the net specifications in the rule apply to all nets other than cast nets; add measurement procedures for determining the mesh area of a rectangular-shaped net that is constructed consistently throughout; specify that a net with a mesh size larger than two inches stretched mesh is considered an entangling net; establish the maximum number of meshes per foot of corkline; establish that nets constructed with more meshes per foot of corkline than allowed are entangling nets; add clarifying language to rule regarding the connection of nets; and clarify that soak times do not apply to shrimp trawls.

The Fish and Wildlife Conservation Commission is holding these two workshops to gather additional public testimony regarding the specific sections of the preliminary draft rule which: substitute rule references to "seine" with "net" (paragraph 68B-4.0081(2)(d), F.A.C.); specify that a net with a mesh size larger than two inches stretched mesh is considered an entangling net (paragraph 68B-4.0081(2)(d), F.A.C.); and establish that nets constructed with more meshes per foot of corkline than allowed are entangling nets (paragraph 68B-4.0081(3)(e), F.A.C.).

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: 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: Major Bruce Buckson, 620 South Meridian Street, Tallahassee, Florida 32399, (850)488-6254.

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces a public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, November 10, 2004, 6:00 p.m. – 8:00 p.m. (CST)

PLACE: Crestview High School Auditorium, 1250 North Ferdon Boulevard, Crestview, Florida 32536

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission have directed staff to identify ways to resolve conflicts associated with the use of dogs for deer hunting, particularly where dogs are trespassing onto private property. The purpose of this public meeting is to discuss recent proposals regarding dog hunting on Blackwater Wildlife Management Area and to receive public comments. Any proposed rule changes will be considered in concept along with public comments at the December 1, 2004 Commission meeting to be held in Key Largo; rule proposals will not be considered for adoption until the February 2-4 Commission meeting scheduled for Panama City.

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: 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: Cory R. Morea, 5300 High Bridge Road, Quincy, Florida, (850)627-9674.

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning the Biscayne Bay wingnet shrimp fishery, to which all interested persons are invited:

DATE AND TIME: November 10, 2004, 12:00 Noon – 2:00 p.m.

PLACE: Miami City Hall, Commission Chambers, 3500 Pan American Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workshop to receive public testimony regarding a proposal to reopen Saturdays to the harvest of food shrimp with wingnets during the open harvesting season of November 1 through May 31.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in either of these workshops is asked to advise the agency at least 5 calendar days before the workshop by contacting: Andrena Knicely, (850)487-1406. 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 2301, (850)487-0554.

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement** announces that the three rule development workshops advertised in Vol. 30, No. 34, August 20, 2004, Florida Administrative Weekly, but postponed because of the September hurricanes are rescheduled and all interested parties are invited to participate.

DATE AND TIME: November 4, 2004, 2:00 p.m. – 4:00 p.m. (CST)

PLACE: Edgewater Beach Resort, Conference Center, 520 Beckrich Road, Panama City Beach, FL 32407

DATE AND TIME: November 8, 2004, 2:30 p.m. – 4:30 p.m.

PLACE: Pinellas County Courthouse, 315 Court Street, Board of County Commissioners Assembly Room, 5th Floor, Clearwater, FL 33756

DATE AND TIME: November 15, 2004, 2:30 p.m. – 4:30 p.m.

PLACE: St. Johns County, Southeast Branch Library, 6670 US 1, South, St. Augustine, FL 32086

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule Development Workshops for Chapter 68D-36, Minimum Standards for Mandatory Boating Safety Courses; Rules 68D-36.004, Minimum Requirements for Training Facilities and Instructors; 68D-36.008, Minimum Requirements for Boating Safety Courses; 68D-36.009, Proof of Successful Completion of the Course; 68D-36.010, Boating Safety Information and Instruction Requirements for Vessel Liveries; 68D-36.011, Boating Safety Temporary Certificate Examination Program.

ADDITIONAL WORKSHOPS MAY BE SCHEDULED AND WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Captain Alan Richard, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 27, 2004, 9:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims and Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 27, 2004, 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308

SCRIPPS FLORIDA FUNDING CORPORATION

The Reports Committee Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, F.S. (2003).

DATE AND TIME: Thursday, October 28, 2004, 4:00 p.m. – 5:00 p.m.

PLACE: 1(877)242-6519, Conference ID# 1531325, Leader: Dr. John Agwunobi

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to review a draft of the SFFC Annual Report to the Governor, President of the Senate, and Speaker of the House on 12/1.

The date, time, and/or place are subject to change. Please check

<http://www.myflorida.com/myflorida/government/governorinitiatives/otted/index.html> for meeting date, time, place and materials.

Pursuant to Section 286.26, F.S., any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com, at least 48 hours in advance of the meeting.

The Audit Committee Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, F.S. (2003).

DATE AND TIME: Wednesday, November 3, 2004, 11:00 a.m. – 12:00 Noon

PLACE: 1(877)242-6519, Conference ID# 1503869, Leader: Andy Crawford

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to review the draft of the audit of Scripps Florida Funding Corporation.

The date, time, and/or place are subject to change. Please check

<http://www.myflorida.com/myflorida/government/governorinitiatives/otted/index.html> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com, at least 48 hours in advance of the meeting.

PRIDE ENTERPRISES

The **PRIDE Enterprises**, Nominating Committee announces a conference call to which all interested persons are invited to participate.

DATE AND TIME: November 4, 2004, 10:00 a.m. – 11:00 a.m.

PLACE: Call toll free 1(888)822-3280, code 090977#

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, November 5, 2004, 11:00 a.m.

PLACE: City Commission Conference Room, Third Floor, City Hall, City of Lakeland, 228 South Massachusetts Avenue, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting.

Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

VISIT FLORIDA

VISIT FLORIDA announces a public meeting of the Downtowns and Small Towns Task Force of the New Product Development Council.

DATE AND TIME: Monday, November 8, 2004, 2:00 p.m. – adjournment

PLACE: VISIT FLORIDA Corporate Offices, 661 East Jefferson Street, Suite 300 Tallahassee, FL 32301, (850)488-5607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review program components and discuss future plans.

For further information contact: Jill Rutli, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 347.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

VISIT FLORIDA announces a public meeting of the Cultural Heritage Tourism Committee of the New Product Development Council.

DATE AND TIME: Tuesday, November 9, 2004, 2:00 p.m. – adjournment

PLACE: VISIT FLORIDA Corporate Offices, 661 East Jefferson Street, Suite 300 Tallahassee, FL 32301, (850)488-5607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss current and future work of the Committee.

For further information contact: Jill Rutli, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 347.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **VISIT FLORIDA**, Board of Directors announces a public meeting of the Nature-Based Tourism Committee of the New Product Development Council.

DATE AND TIME: Wednesday, November 17, 2004, 10:00 a.m. – adjournment

PLACE: Gatorland, 14501 South Orange Blossom Trail, Orlando, FL 32837, (407)855-5496

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the current status of Undiscovered Florida publication, the biking trails brochure, and the 2005-2006 Grant Program recommendations. The committee will also discuss a Summer 2005 Contingency Plan.

For further information contact: Sara Rogers, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 363.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: November 11, 2004, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay**, Inc. announces a regular meeting of the Board of Directors at 1820 E. Park Avenue, Suite 101, Tallahassee, Florida.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Supplemental Declaratory Statement in response to the request received from Palm Beach County – Building Division on March 23, 2004. It was assigned the number DCA04-DEC-069. This Supplemental Declaratory Statement was issued September 30, 2004. The Florida Building Commission interpreted provisions of Chapter 9B-72, Florida Administrative Code, as they relate to local implementation of the statewide system of product approval and enforcement of the Florida Building Code.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from James E. Fowler, Jr., P.E., of National Engineering Corporation on March 26, 2004. It was assigned the number DCA04-DEC-072. This Declaratory Statement was issued September 30, 2004. The Florida Building Commission interpreted Section 1003.5, Florida Building Code, Plumbing Volume, and found that this code provision pertains to both on-site sewage disposal systems and central municipal sewer systems and that an exception may be allowed for the size of grease interceptors.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from Building Code Solutions, Inc. on April 5, 2004. It was assigned the number DCA04-DEC-077. This Declaratory Statement was issued September 30, 2004. The Florida Building Commission interpreted Section 1012.1.3, Florida Building Code, Building Volume, and found that this code provision applies to doors that are not egress doors used as an exit such as sliding glass doors opening onto a lanai which does not exit to grade level, and interpreted an exception with respect to the height of thresholds and the design of waterproofing.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from George A. Hegedus of Structural Systems, Inc. on May 12, 2004. It was assigned the number DCA04-DEC-109. This Declaratory Statement was issued September 30, 2004. The Florida Building Commission interpreted Section 1606.1.8, Florida Building Code, Building Volume, and found that the subject property is located outside of the coastal construction control line unless the property is located within 1500 feet of the mean high tide line.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from Palm Beach County – Building Division on May 12, 2004. It was assigned the number DCA04-DEC-110. This Declaratory Statement was issued September 30, 2004. The Florida Building Commission interpreted Section 706.3, Florida Building Code, Plumbing Volume, and found that this code provision does not prohibit offset closet flanges connecting a water closet and the sanitary drainage pipe when all pipe fittings meet applicable standards prescribed by the code.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from Palm Beach County – Building Division on May 13, 2004. It was assigned the number DCA04-DEC-116. This Declaratory Statement was issued September 30, 2004. The Florida Building Commission interpreted Section 301.13.1, Florida Building Code, Mechanical Volume, and found that this code provision is incomplete and strapping must be engineered for installations anchoring ground mounted air conditioning units with strapping.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Supplemental Declaratory Statement in response to the request received from Fenestration Manufacturers Association on May 13, 2004, and subsequently amended on May 26, 2004. It was assigned the number DCA04-DEC-117. This Supplemental Declaratory Statement was issued September 30, 2004. The Florida Building Commission interpreted several provisions of Chapter 9B-72, Florida Administrative Code, and section 553.842, Florida Statutes, relating to the statewide system of product approval applied to the manufacture and use of windows and glass doors.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on October 6, 2004, from Lake Square Aluminum, Inc. regarding whether Articles 250 and 545, National Electric Code, require the installation of a grounding rod on a screen room enclosure. It has been assigned the number DCA04-DEC-196.

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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received the petition for declaratory statement of Tampa Electric Company. The petition inquires as to whether the same storm damage accounting practices and cost recovery process recently approved by the commission for other electric utilities whose hurricane-caused storm damage costs are predicted to exceed their storm damage reserves also apply in the case of Tampa Electric.

A copy of the petition may be obtained at <http://www.psc.state.fl.us/psc/dockets> or by writing: Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862. Docket No. 041172-EL.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS GIVEN that the Agency for Health Care Administration has received a request for a declaratory statement from Balch & Bingham, LLP on behalf of InMed Group. The request seeks clarification of Section 395.6025 of the Florida Statutes (2004). The question posed is whether or not Section 395.6025, F.S., requires that InMed, a for-profit corporation, partner with a not-for-profit operator of rural hospitals in order to take advantage of the exemption from the certificate of need process. Additionally, InMed requests clarification as to what qualifies as a not-for-profit operator of rural hospitals, and whether there are any criteria for the proposed partnership.

A copy of the petition may be obtained by writing: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, Florida 32308. Please refer all comments to the Agency Clerk.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Electrical Contractors’ Licensing Board hereby gives notice that it has received a petition filed on October 5, 2004, from Tritt & Franson, P.A., on behalf of Zabatt Engine Services, Inc. d/b/a Zabatt, Inc. (hereinafter “Zabatt”), seeking a declaratory statement regarding Sections 489.505(12) and 489.531(1)(a), Florida Statutes. Specifically, Zabatt seeks a declaratory statement as to whether or not it falls within the definition of an “electrical contractor” as defined in Section 489.505(12), Florida Statutes, and whether or not the conduct of business relating to servicing or repairing for compensation, or offering service or repair for compensation of standby power generators or their components, is construed as practicing electrical contracting within the meaning of Section 489.531(1)(a), Florida Statutes.

This matter will be addressed during the regularly scheduled Board meeting on November 19, 2004, at 9:00 a.m., or shortly thereafter, at the NWC Board Room, 1940 North Monroe Street, Tallahassee, Florida. The telephone number is: (850)487-8304.

Comments on this petition should be filed with Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, within 14 days of publication of this notice. For a copy of the petition, please contact John Knap, Executive Director, Electrical Contractors’ Licensing Board, at above address or telephone (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NOTICE OF CORRECTION – Lonny Ohlfest vs. Miami-Dade Community College, District Board of Trustees; Case No.: 04-2531RU (inadvertently published as Case No. 04-2513RU, Vol. 30, No. 33)

Golden Rule Insurance Company vs. Department of Financial Services, Office of Insurance Regulation; Case No.: 04-3634RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Lonny Ohlfest vs. Miami-Dade Community College, District Board of Trustees; Case No.: 04-2531RU; Dismissed

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

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-195, Project and Location: College of Veterinary Medicine Food Animal Facility, located at the University of Florida in Gainesville. The project consists of the design and construction of a 11,900 square foot facility with service truck parking to house the food animal services outreach program conducted by the Department of Large Animal Clinical Sciences. The project location is adjacent to the main College of Veterinary Medicine campus with an existing building and service yard on site that will need to be evaluated for the potential of reuse or demolition. The estimated construction cost is \$1,900,000.

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, and the development of a GMP at 60% Construction Document phase for which the design/builders 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. In part two of the contract, the design/builders 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. 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/builders' contract. Selection of finalists for interviews will be made on the basis of design/builders 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. Finalists will be provided with a copy of the building program 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 all proposals and 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 80 pages, including the Design/Builder Qualifications Supplement and letter of application. 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/builders 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.

Five (5) bound copies of the required proposal must be received in the Facilities Planning and Construction office by 3:00 p.m. local time, Friday, November 19, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

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.: FS-257
 Project and Location: Life Sciences Teaching and Research Center
 Florida State University
 Tallahassee, Florida

This project will provide for the construction of approximately 145,000 gsf of new research, teaching and administrative space for the Department of Biological Sciences. The facility will provide research labs, teaching labs, classrooms, office and support space. The project is currently planned for a location south of the new Medical School, in the northwestern quadrant of the main campus. The University has proposed that the project be administered utilizing the construction manager delivery process.

The estimated construction budget is approximately \$33,884,874 with a total anticipated project budget of \$45,400,000.

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 either the 50% or 100% Construction Document phase. The final determination of the exact timing of the GMP will be confirmed prior to entering into contract with the prospective Construction Manager. 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, (850)644-8351 facsimile

For further information on the project, contact: Daryl Ellison, Project Manager, at the address above or at (850)645-1007.

Submit six (6) bound copies of the required proposal data. Submittals must be received at the address listed above by 2:00 p.m., local time, on Tuesday, November 23, 2004. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

PROJECT FACT SHEET
 Computer Center/Building 22
 BR-621
 Florida Atlantic University
 PROJECT DESCRIPTION

The project consists of the renovation of approximately 18,000 gross square feet in existing Building 22, the present Computer Center, plus an expansion of approximately 31,000 gross square feet of new facilities.

This facility will be constructed using the construction management delivery process.

The Construction budget is approximately \$7.8 million.

SELECTION CRITERIA

Firms will be evaluated in the following areas: current workload, location, past performance, volume of state work, design ability, and experience and ability. Experience and ability scores will be based on the following criteria:

1. Experience of firm and individual members of the design team with project of similar size and program.
2. Experience of firm and individual members of the design team in planning, designing, estimating, and construction administration of projects similar in size and budget. Site examples of projects within the past five-year, including the ability to meet aggressive time and budget constraints.
3. Experience in campus planning, computer facilities and working with committees.

SELECTION COMMITTEE

Thomas Donaudy, Associate VP to the University Architect & VP, Florida Atlantic University

Jeff Schilit, Chairperson, Associate Provost, Florida Atlantic University

Raymond Nelson, Director/Facilities Planning, Florida Atlantic University

Jim Baker, Director/Engineering & Utilities, Florida Atlantic University

SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

- Submittal Due: November 22, 2004
- Shortlist Meeting: December 16, 2004
- Final Interviews: January 13, 2005
- Contract Negotiation: TBD

GENERAL INFORMATION

1. All applicants will be notified of the results of the short list in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
2. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
3. Professional liability insurance is required for this project in the amount of \$500,000.00.
4. A copy of the building program may be purchased at Boca Blueprint, 2029 N. W. 2nd Avenue, Boca Raton, FL 33431, (561)395-4944.

A/E ADVERTISEMENT
 Computer Center/Building 22
 BR-621

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Professional Services in the discipline of Architecture, will be required for the project listed below:
Project No. BR-621

Project and Location: Located on Florida Atlantic University's Boca Raton Campus, the Computer Center Expansion/Remodeling consists of the renovation of approximately 31,000 GSF facility plus renovation of approximately 18,000 GSF of existing Building 22. The total Construction Budget is approximately \$7.8 million. The selected firm will provide design development, construction documents and construction administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$500,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Florida Atlantic University Professional Qualifications Supplement" (FAU-AEPQS - Revised January 2004). Applications on any other form may not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) bound copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for the State of Florida University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. FAU Professional Qualifications Supplement forms and the Project Fact Sheet are available online at <http://uavp.fau.edu> or by contacting: Carla C. Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777

Glades Road, Campus Operations Building #69-Room 101, Boca Raton, Florida 33431, (561)297-2663, Fax (561)297-0224, e-mail: ccapelet@fau.edu.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Tom Donaudy, Associate Vice President, Office of the Associate Vice President, Florida Atlantic University, at the above address, by 5:00 p.m. local time, on November 22, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS

Invitation To Bid (ITB)

For a

Roofing Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 513D, Jacksonville, Florida.

**BIDS ARE DUE ON OR BEFORE NOVEMBER 23, 2004
AND WILL BE ACCEPTED UNTIL 2:00 P.M.**

PROJECT TITLE: Districtwide Roof Replacement Project, Stage III (Mandarin Oaks Elementary School, No. 258 and Crystal Springs Elementary School, No. 226)

DCPS PROJECT NO.: M-88870

SCOPE OF WORK: Stage III of this project shall consist of replacement of the entire old shingle roof system at Mandarin Oaks Elementary School, No. 258 and Crystal Springs Elementary School, No. 226, with new metal standing seam roofing systems including deck repair as needed. The estimated construction cost is 3.2 million dollars.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on November 10, 2004; 9:00 a.m., 129 King Street, Room 29, Jacksonville, Florida 32204. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 at the office of: Akel, Logan, Shafer Architects, Planners, Inc., 704 Rosselle Street, Jacksonville, FL 32204

DCSB Point of Contact: Dale Hughes, Project Manager, 858-6300

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room	Construction Bulletin
Construction Market Data, Inc.	National Association of Minority Contractors

MBE Participation Goal:	10% Participation Plan
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The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL. 32207; (904)390-2358 or (904)390-2922, Fax (904)390-2265, e-mail: beaudoinr@educationcentral.org or faganr@educationcentral.org.

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

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

INVITATION TO NEGOTIATE

The Florida Prepaid College Board is accepting proposals in response to an Invitation to Negotiate, ITN #04-03, to obtain proposals from firms qualified to provide Domestic Large Cap Growth Equity Investment Manager services for the Florida Prepaid College Plan and the Florida College Savings Plan.

Copies of the Invitation to Negotiate, ITN #04-03, are available on or after October 22, 2004, by submitting a written request to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, Fax (850)488-3555. All information received in regard to this ITN must be sent to the above named address.

There is no bidder's conference. Only written inquiries concerning the ITN will be accepted. No written inquiries will be accepted after 5:00 p.m., Eastern Time, November 5, 2004. The original unbound copy and five (5) copies of each response to the ITN must be received by 12:00 Noon, Eastern Time, November 19, 2004, at the Florida Prepaid College

Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308. Proposals must be submitted in full accordance with the requirements and mandatory criteria of the ITN.

The Board reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State.

Certified Minority Business Enterprises are encouraged to participate.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the bid opening because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the bid opening.

EXPRESSWAY AUTHORITIES

MDX PROJECT NO. 30013(C)

MDX Work Program No. 30013.060

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a Level 1 CSBE Contractor, ("Bidder") for the pressure washing and Class V Coating of Bridges at various mile post locations within the roadway corridors of State Road (SR) 874 and (SR) 878. The Work for the Project consists of, but is not limited to, providing all labor, materials, equipment and incidentals including maintenance of traffic schemes necessary for the pressure washing and class V coating of concrete bridges at various locations.

The MDX System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878 and SR 924.

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 ("MDX Headquarters Building), until 2:00 p.m., Tuesday, November 23, 2004. In order to submit a Bid, a Bidder must be qualified by Miami-Dade County as a CSBE Contractor on the bid submittal date. In addition, the Bidder must be licensed to do business in Miami-Dade County in one of the following contractor categories; General Engineering, General Building, Sub-General Building, or Sub-Building. A Bidder that is not certified in accordance with Miami-Dade County's CSBE Program and licensed in one of the categories listed on the date of the Bids submittal shall be declared "NON RESPONSIVE" and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Friday, October 22, 2004 after 2:00 p.m. at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami.

The Contract time for this Project is set for ninety (90) calendar days from the date a Notice to Proceed is issued.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Wednesday, October 27, 2004, at 10:00 a.m. at the MDX Headquarters Building located at 3790 N.W. 21st Street, Miami. Please be

advised that attendance at this meeting is Mandatory. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared "Non-Responsive".

If you have any questions regarding this notice, or would like additional information, please contact:

Ms. Helen M. Cordero

MDX Procurement Officer

Ph. (305)637-3277

Fax (305)637-3281

E-mail: hcordero@mdx-way.com

All sealed Bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Tuesday, November 23, 2004.

EQUAL EMPLOYMENT OPPORTUNITIES: The Miami-Dade Expressway Authority prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap in accordance with the Provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., the Florida Civil Rights Act of 1992, as amended, § 760.10 et seq., Fla. Stat. and other Federal and state discrimination statutes. MDX notifies all Firms and individuals that it requires and encourages equal employment opportunities for minorities and women.

MDX strongly supports disadvantaged, small, minority and women owned businesses having full opportunity to submit Proposals in response to this RFQ and commits that Proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE and/or DBE participation of twenty-five percent (25%) for the aggregate of its projects ("Overall Participation Goal"). However, compliance with the Overall Participation Goal is not a prerequisite for the Project, nor does it count towards either the Small Business Goal or the SBE Bonus.

SMALL BUSINESS ENTERPRISES PROGRAM: In accordance with MDX Small Business Participation Policy (copy of this policy may be obtained from MDX website), MDX has established this contract as a 100% CSBE set-aside contract. Complete details of this requirement will be included in the Bid Blank.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED

DEPARTMENT OF MANAGEMENT SERVICES

ADVERTISEMENT FOR BIDS

Proposals are requested from Qualified Building or General Contractors by The Florida Department of Management Services, Division of Facilities Management and Building Construction hereinafter referred to as Owner, for the Construction of: Airport Security Enhancements, Boca Raton, Task 07B.1C, and for Perimeter site access gate enhancements including an integrated security system utilizing card control with CCTV.

PROJECT NO: BRAA-99065072

PROJECT NAME & LOCATION: Construction of Airport Security Enhancements, Boca Raton, Task 07B.1C, FOR: Perimeter site access gate enhancements including an integrated security system utilizing card control with CCTV

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
2004-11 for the Development and Rehabilitation
of Farmworker Housing

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide farmworker housing to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m., Eastern Time, Wednesday, January 12, 2005, to the attention of Robin Grantham, Contracts 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, 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.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, BMW of North America, LLC. ("BMW NA"), gives notice of its intent to permit the establishment of a location of Pompano Imports, Inc. dba Vista Motor Company ("Vista") for sales and service for the BMW passenger car line-make and the BMW light truck line-make at 744 N. Federal Highway, Pompano Beach (Broward County), Florida 33062.

The dealer operator and principal investor of the proposed location of the dealership is: Charles Dascal, 1407 Daytonia Road, Miami Beach, FL 33141. The principal investors of the proposed location of the dealership are: Charles Dascal, 1470 Daytonia Road, Miami Beach, FL 33141; and Larry Hoffman, 3525 Bayshore Villa. Miami, FL 33133.

BMW NA intends to permit the establishment of the proposed location of the dealership on or after December 1, 2004.

The notice indicates an intent to permit the addition of a dealership 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 U.S. Mail to: Edward Huzyak, BMW of North America, LLC, 1280 Hightower Trail, Atlanta, GA 30350.

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 location 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, American Honda Motor Co., Inc., intends to allow the establishment of Performance New Tampa, Inc., as a dealership for the sale of Honda Motorcycles, at 28009 Wesley Chapel Blvd., Zephyrhills (Pasco), Florida 33543 on or after April 19, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Performance New Tampa, Inc., are dealer operator: Wyndell T. Kern, c/o Performance New Tampa, Inc., 16123 W. Colonial Drive, Winter Garden, Florida 34787; Ralph P. Kern, c/o Performance New Tampa, Inc., 16123 W. Colonial Drive, Winter Garden, Florida 34787; principal investor(s): Wyndell T. Kern, President/Treasurer, 50 % Shareholder c/o Performance New Tampa, Inc., 16123 W. Colonial Drive, Winter Garden, Florida 34787; Ralph P. Kern, Vice President/Secretary, 50% Shareholder, c/o Performance New Tampa, Inc., 16123 W. Colonial Drive, Winter Garden, Florida 34787.

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: Ray Blank, Vice President, Motorcycle Division, American Honda Motor Co., Inc., 1919 Torrance Blvd., Torrance, CA 90501-2746.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on October 1, 2004, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F. S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL DECISION,	PROJECT,	CTY,	APPLICANT,	PARTY REQUEST HEARING (PRH)
0400005	Denial,	exemption from CON review for the addition of 16 community nursing beds,	Broward County,	St. John's Rehabilitation Hospital and Nursing Center, Inc. d/b/a St. John's Nursing Center	(PRH) same as applicant
9783	Approval,	establish a new hospice program,	Service Area 4A,	Heartland Hospice Services of Florida, Inc.,	(PRH) North Central Florida Hospice d/b/a Hospice of Jacksonville
9783	Approval,	establish a new hospice program	Service Area 4A,	Heartland Hospital Services of Florida, Inc.,	(PRH) Vitas Healthcare Corporation of Florida
9783	Approval,	establish a hospice program,	Service Area 4A,	Heartland Hospice Services of Florida, Inc.,	(PRH) Community Hospice of Northeast Florida, Inc.
9784	Denial,	establish a new hospice program,	Service Area 4A,	Vitas Healthcare Corporation of Florida,	(PRH) same as applicant
9784	Supports Denial,	establish a new hospice program,	Service Area 4A,	Vitas Healthcare Corporation of Florida,	(PRH) Community Hospice of Northeast Florida, Inc.

- 9786 Supports Denial, establish a new hospice program, Service Area 4A, Life Care Hospice, Inc., (PRH) North Central Florida Hospice d/b/a Hospice of Jacksonville
- 9787 Denial, establish a new 24 bed freestanding inpatient hospice facility, Service Area 6A, Lifepath Hospice and Palliative Care, Inc., (PRH) same as applicant
- 9788 Supports Denial, establish a hospice program, Service Area 7B, BayCare Home Care, Inc., (PRH) Wuesthoff Health Services, Inc.
- 9789 Denial, establish a new hospice program, Service Area 7B, Heartland Services of Florida, Inc., (PRH) same as applicant
- 9789 Supports Denial, establish a hospice program, Service Area 7B, Heartland Hospice Services of Florida, Inc., (PRH) Wuesthoff Health Services, Inc.
- 9790 Approval, establish a new hospice program, Service Area 7B, Hospice of Lake & Sumter, Inc. (PRH) Heartland Services of Florida, Inc.
- 9790 Approval, establish a new hospice program, Service Area 7B, Hospice of Lake & Sumter, Inc. (PRH) Wuesthoff Health Services, Inc.
- 9792 Denial, establish a new hospice program, Service Area 7B, Wuesthoff Health Services, Inc., (PRH) same as applicant
- 9794 Denial, establish an additional hospice program, Service Area 8A, Hope of Southwest Florida, Inc., (PRH) same as applicant
- 9795 Denial, establish an additional hospice program, Service Area 8B, Hope of Southwest Florida, Inc., (PRH) same as applicant
- 9797 Denial, establish a freestanding hospice inpatient facility, Service Area 9B, Hospice of Martin & St. Lucie, Inc., (PRH) same as applicant
- 9798 Approval, establish a hospice program, Service Area 11, Hospice of the Palm Coast, Inc., (PRH) Vitae Healthcare Corporation of Central Florida

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On October 11, 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 Debra Peoples, R.T., license number RT 561 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 October 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 Julie Ann Chill R.N., license number RN 1863672 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 October 6, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Robert S. Smith, D.O., license number OS 6939 This Emergency Restriction Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 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 Joanne Morgan, R.N., license number RN 2242702 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 October 8, 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 James Street, D.C. license number CH 4519. 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 October 11, 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 Christopher Lee Catalfo, D.C. license number CH 6741. 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 October 11, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate Suzanne Novia, C.N.A. certificate number C.N.A. 3311. 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

DIVISION OF TREASURY
BUREAU OF COLLATERAL MANAGEMENT
PUBLIC DEPOSITS SECTION

FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A

MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. **INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS.** DEPOSITORIES HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

ALABAMA

ATMORE
UNITED BANK

BIRMINGHAM
AMSOUTH BANK
COMPASS BANK
REGIONS BANK
SOUTHTRUST BANK

MONTGOMERY
COLONIAL BANK, N.A.

WARRIOR
THE BANK

FLORIDA

ALACHUA
FIRST NATIONAL BANK OF ALACHUA

APALACHICOLA
COASTAL COMMUNITY BANK

ARCADIA
FIRST STATE BANK OF ARCADIA

AVENTURA
TURNBERRY BANK

BARTOW

CITRUS & CHEMICAL BANK
COMMUNITY NATIONAL BANK AT BARTOW

BELLE GLADE

BANK OF BELLE GLADE

BOCA RATON

FIRST SOUTHERN BANK
FIRST UNITED BANK
POINTE BANK

BONIFAY

BANK OF BONIFAY

BRADENTON

COAST BANK OF FLORIDA
FIRST BRADENTON BANK
FIRST NATIONAL BANK & TRUST
FLAGSHIP NATIONAL BANK
GOLD BANK

BRANDON

PLATINUM BANK

BROOKSVILLE

HERNANDO COUNTY BANK

CANTONMENT

CITIZENS & PEOPLES BANK, N.A.

CAPE CORAL

RIVERSIDE BANK OF THE GULF COAST

CARRABELLE

GULF STATE COMMUNITY BANK

CHIEFLAND

DRUMMOND COMMUNITY BANK

CLEWISTON

FIRST BANK OF CLEWISTON
OLDE CYPRESS COMMUNITY BANK

CORAL GABLES

BANKUNITED, F.S.B.
COMMERCEBANK, N.A.
GIBRALTAR BANK, F.S.B.

CRAWFORDVILLE

CITIZENS BANK - WAKULLA
WAKULLA BANK

CRESTVIEW

FIRST NATIONAL BANK OF CRESTVIEW

CRYSTAL RIVER

CRYSTAL RIVER BANK

DADE CITY

FIRST NATIONAL BANK OF PASCO

DANIA BEACH

COMMUNITY BANK OF BROWARD

DAVIE

REGENT BANK

DEBARY

FIRST COMMUNITY BANK

DESTIN

DESTIN BANK

DUNNELLON

DUNNELLON STATE BANK

ENGLEWOOD

ENGLEWOOD BANK
PENINSULA BANK

FERNANDINA BEACH

FIRST COAST COMMUNITY BANK
FIRST NATIONAL BANK OF NASSAU COUNTY

FORT LAUDERDALE

BANKATLANTIC
EQUITABLE BANK
LANDMARK BANK, N.A.

FORT MYERS

BUSEY BANK FLORIDA
EDISON NATIONAL BANK
IRONSTONE BANK

FORT PIERCE

HARBOR FEDERAL SAVINGS BANK
RIVERSIDE NATIONAL BANK OF FLORIDA

FORT WALTON BEACH

BEACH COMMUNITY BANK
FIRST CITY BANK OF FLORIDA
FIRST NATIONAL BANK & TRUST

FROSTPROOF

CITIZENS BANK & TRUST

GAINESVILLE

MERCHANTS & SOUTHERN BANK
MILLENNIUM BANK

GRACEVILLE

*BANK OF JACKSON COUNTY
PEOPLES BANK OF GRACEVILLE

HALLANDALE

DESJARDINS BANK, N.A.

HOMESTEAD

COMMUNITY BANK OF FLORIDA
FIRST NATIONAL BANK OF SOUTH FLORIDA

HOMOSASSA

HOMOSASSA SPRINGS BANK

IMMOKALEE

FLORIDA COMMUNITY BANK

INDIANTOWN

FIRST BANK OF INDIANTOWN

INVERNESS

BANK OF INVERNESS

JACKSONVILLE

EVERBANK

JACKSONVILLE BEACH

OCEANSIDE BANK

KEY LARGO

TIB BANK OF THE KEYS

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

KISSIMMEE

FIRST NATIONAL BANK OF OSCEOLA COUNTY

LAKE CITY

COLUMBIA COUNTY BANK
PEOPLES STATE BANK

LANTANA

STERLING BANK

LEESBURG

CENTERSTATE BANK MID FLORIDA
FIRST FEDERAL SAVINGS BANK OF LAKE COUNTY

LIVE OAK

FIRST FEDERAL SAVINGS BANK OF FLORIDA

LONGWOOD

*LIBERTY NATIONAL BANK

MADISON

MADISON COUNTY COMMUNITY BANK

MALONE

PCB, THE COMMUNITY BANK

MARATHON

MARINE BANK OF THE FLORIDA KEYS

MAYO

LAFAYETTE STATE BANK

MIAMI

BAC FLORIDA BANK
CITY NATIONAL BANK OF FLORIDA
COCONUT GROVE BANK
COMMERCIAL BANK OF FLORIDA
CONTINENTAL NATIONAL BANK OF MIAMI
EAGLE NATIONAL BANK OF MIAMI
EASTERN NATIONAL BANK
ESPIRITO SANTO BANK
EXECUTIVE NATIONAL BANK
INTERAMERICAN BANK, F.S.B.
INTERNATIONAL BANK OF MIAMI, N.A.
MELLON UNITED NATIONAL BANK
METRO BANK OF DADE COUNTY
NORTHERN TRUST BANK OF FLORIDA, N.A.
OCEAN BANK
SOFISA BANK OF FLORIDA
TOTALBANK
TRANSATLANTIC BANK
U.S. CENTURY BANK

MIAMI BEACH

BEACH BANK

MILTON

FIRST NATIONAL BANK OF FLORIDA

MONTICELLO

FARMERS & MERCHANTS BANK

MOUNT DORA

FIRST NATIONAL BANK OF MOUNT DORA
FLORIDA CHOICE BANK

NAPLES

BANK OF NAPLES
COMMUNITY BANK OF NAPLES, N.A.
FIRST NATIONAL BANK OF FLORIDA
ORION BANK

NEW SMYRNA BEACH

FRIENDS BANK

NICEVILLE

PEOPLES NATIONAL BANK

NORTH LAUDERDALE

SECURITY BANK, N.A.

NORTH MIAMI

KISLAK NATIONAL BANK

NORTH PALM BEACH

ENTERPRISE NATIONAL BANK OF PALM BEACH

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

COMMUNITY BANK OF MARION COUNTY
FLORIDA CITIZENS BANK
INDEPENDENT NATIONAL BANK

OKEECHOBEE

BIG LAKE NATIONAL BANK

ORANGE PARK

FIRST NATIONAL BANK
HERITAGE BANK OF NORTH FLORIDA

ORLANDO

CENTURY NATIONAL BANK
MERCANTILE BANK
UNITED HERITAGE BANK

ORMOND BEACH

CYPRESSCOQUINA BANK

OVIEDO

CITIZENS BANK OF OVIEDO

PAHOKEE

FIRST COMMUNITY BANK OF PALM BEACH COUNTY

PALATKA

FIRST FEDERAL BANK OF NORTH FLORIDA
PUTNAM STATE BANK

PALM HARBOR

PEOPLES BANK

PANAMA CITY

BAY BANK & TRUST COMPANY
FIRST NATIONAL BANK NORTHWEST FLORIDA
PEOPLES FIRST COMMUNITY BANK
VISION BANK, F.S.B.

PENSACOLA

BANK OF PENSACOLA
BANK OF THE SOUTH
GULF COAST COMMUNITY BANK

PERRY

CITIZENS BANK OF PERRY

PORT RICHEY

GULFSTREAM COMMUNITY BANK

PORT ST. JOE

BAYSIDE SAVINGS BANK

PORT ST. LUCIE

FIRST PEOPLES BANK

ST. AUGUSTINE

BANK OF ST. AUGUSTINE
PROSPERITY BANK

ST. CLOUD

PUBLIC BANK

ST. PETERSBURG

FIRST COMMUNITY BANK OF AMERICA
UNITED BANK & TRUST COMPANY

SANTA ROSA BEACH

BANKTRUST

SEBRING

HEARTLAND NATIONAL BANK
HIGHLANDS INDEPENDENT BANK

SOUTH MIAMI

FIRST NATIONAL BANK OF SOUTH MIAMI

SPRING HILL

FIRST KENSINGTON BANK

STARKE

COMMUNITY STATE BANK

STUART

FIRST NATIONAL BANK & TRUST OF THE TREASURE
COAST
GULFSTREAM BUSINESS BANK

SUNRISE

UNION BANK OF FLORIDA

TALLAHASSEE

CAPITAL CITY BANK
PREMIER BANK
TALLAHASSEE STATE BANK
THE BANK OF TALLAHASSEE

TAMPA

FIRST CITRUS BANK

TEQUESTA

INDEPENDENT COMMUNITY BANK

THE VILLAGES

CITIZENS FIRST BANK

TRENTON

TRI-COUNTY BANK

UMATILLA

UNITED SOUTHERN BANK

VALPARAISO

VANGUARD BANK & TRUST COMPANY

VERO BEACH

INDIAN RIVER NATIONAL BANK

WAUCHULA

FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH

FIDELITY FEDERAL BANK & TRUST
FLAGLER BANK
GRAND BANK & TRUST OF FLORIDA

WEWAHITCHKA

BANKTRUST OF FLORIDA

WILLISTON

PERKINS STATE BANK

WINTER HAVEN

CENTERSTATE BANK OF FLORIDA
FIRST NATIONAL BANK OF POLK COUNTY

WINTER PARK

BANKFIRST
RIVERSIDE BANK OF CENTRAL FLORIDA

ZEPHYRHILLS

COMMUNITY NATIONAL BANK OF PASCO COUNTY

GEORGIA

ATLANTA

SUNTRUST BANK

DARIEN

SOUTHEASTERN BANK

LOUISIANA

NEW ORLEANS

WHITNEY NATIONAL BANK

MASSACHUSETTS

BOSTON

ONEUNITED BANK

MICHIGAN

GRAND RAPIDS
FIFTH THIRD BANK

MISSISSIPPI

JACKSON
TRUSTMARK NATIONAL BANK

NEW YORK

NEW YORK CITY
INTERVEST NATIONAL BANK

NORTH CAROLINA

CHARLOTTE
BANK OF AMERICA, N.A.
WACHOVIA BANK, N.A.

ROCKY MOUNT
RBC CENTURA BANK

WINSTON-SALEM
BRANCH BANKING & TRUST COMPANY

OHIO

WILMINGTON
LIBERTY SAVINGS BANK, F.S.B.

TENNESSEE

MEMPHIS
UNION PLANTERS BANK, N.A.

VIRGINIA

RESTON
CITIBANK, F.S.B.

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE SINCE THE LAST PUBLICATION OF
THIS REPORT.

CITIZENS BANK OF FROSTPROOF
FROSTPROOF
CITIZENS BANK OF FROSTPROOF HAS CHANGED ITS
NAME TO CITIZENS BANK & TRUST.

CITIZENS FIRST BANK
LADYLAKE
CITIZENS FIRST BANK HAS CHANGED ITS HOME
OFFICE LOCATION TO THE VILLAGES.

CNB NATIONAL BANK
LAKE CITY
CNB NATIONAL BANK WAS MERGED WITH AND INTO
MERCANTILE BANK (ORLANDO).

COQUINA BANK
ORMOND BEACH
COQUINA BANK WAS MERGED WITH AND INTO
CYPRESS BANK (PALM COAST), WHICH THEN
CHANGED ITS NAME TO CYPRESSCOQUINA BANK
AND ITS HOME OFFICE LOCATION TO ORMOND
BEACH AFTER COMPLETION OF THE MERGER.

CYPRESS BANK
PALM COAST
CYPRESS BANK CHANGED ITS NAME TO
CYPRESSCOQUINA BANK AND ITS HOME OFFICE
LOCATION FROM PALM COAST TO ORMOND BEACH
AFTER COMPLETING THE MERGER OF COQUINA
BANK.

FIRST FEDERAL SAVINGS BANK OF THE GLADES
CLEWISTON
FIRST FEDERAL SAVINGS BANK OF THE GLADES HAS
CHANGED ITS NAME TO OLDE CYPRESS
COMMUNITY BANK.

FLORIDA BANK, N.A.

TAMPA

FLORIDA BANK, N.A. WAS MERGED WITH AND INTO MERCANTILE BANK (ORLANDO).

SOUTHERN COMMUNITY BANK OF CENTRAL FLORIDA

ORLANDO

SOUTHERN COMMUNITY BANK OF CENTRAL FLORIDA WAS MERGED WITH AND INTO FIRST NATIONAL BANK OF FLORIDA (NAPLES).

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

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, 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., November 12, 2004):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: SouthShore Community Bank, 6542 U.S. Highway 41 North, Suite 100, Apollo Beach, Florida 33572

Correspondent: Richard P. Hunt, 324 South Hyde Park Avenue, Suite 202, Tampa, Florida 33606

Date Received: October 5, 2004

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Regulation, on May 25, 2004, issued a Notice of Intent to Enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights in Administrative Proceeding No. 3254-S-5/01 to First Associated Securities Group, Inc., CRD #20597; Southern Capital Securities, Inc., CRD #27188; Steven Edward Hutek, CRD #1843942 and Jeffrey Kaplan, CRD #1384500. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301, or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk

Department of Financial Services
Office of Financial Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE OFFICE WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN October 4, 2004
 and October 8, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST

18-23.011	10/6/04	10/26/04	30/21	
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DEPARTMENT OF CORRECTIONS

33-204.005	10/4/04	10/24/04	30/36	
33-601.602	10/8/04	10/28/04	30/33	30/37
33-602.224	10/4/04	10/24/04	30/36	

LAND AND WATER ADJUDICATORY COMMISSION

Coastal Lake Community Development District

42WW-1.001	10/7/04	10/27/04	30/32	
42WW-1.002	10/7/04	10/27/04	30/32	
42WW-1.003	10/7/04	10/27/04	30/32	

DEPARTMENT OF HEALTH
Board of Acupuncture

64B1-4.001	10/4/04	10/24/04	30/36	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Chiropractic

64B2-11.013	10/4/04	10/24/04	30/24	30/37
64B2-13.005	10/4/04	10/24/04	30/34	
64B2-15.001	10/4/04	10/24/04	30/24	30/37

Board of Occupational Therapy

64B11-2.006	10/4/04	10/24/04	30/36	
64B11-3.004	10/4/04	10/24/04	30/36	
64B11-5.001	10/4/04	10/24/04	30/36	

Board of Orthotists and Prosthetists

64B14-4.200	10/4/04	10/24/04	30/36	
64B14-5.003	10/4/04	10/24/04	30/36	
64B14-7.001	10/4/04	10/24/04	30/36	
64B14-7.004	10/4/04	10/24/04	30/36	

Board of Respiratory Care

64B32-1.005	10/4/04	10/24/04	30/36	
64B32-2.002	10/4/04	10/24/04	30/36	
64B32-3.004	10/4/04	10/24/04	30/36	

Division of Environmental Health and Statewide Program

64E-2.010	10/5/04	10/25/04	30/31	30/37
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DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-2.024	10/7/04	10/27/04	30/18	30/35
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