

**Section I**

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

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Annual and Quarterly Reporting Requirements  
**RULE NO.:** 4-137.001  
**PURPOSE AND EFFECT:** To update Annual and Quarterly Reporting Requirements to be consistent with new NAIC Standards.

**SUBJECT AREA TO BE ADDRESSED:** Annual and Quarterly Reporting Requirements.

**SPECIFIC AUTHORITY:** 624.307, 624.308(1) FS.

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

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

**TIME AND DATE:** 9:30 a.m., Tuesday, November 26, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Bureau of L&H Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-3153

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

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** NAIC Financial Examiners Handbook Adopted  
**RULE NO.:** 4-138.001  
**PURPOSE AND EFFECT:** To adopt the 2003 Edition of NAIC Financial Examiners Handbook.

**SUBJECT AREA TO BE ADDRESSED:** Insurance Company Financial Examinations.

**SPECIFIC AUTHORITY:** 624.308(1) FS.

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

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

**TIME AND DATE:** 9:30 a.m., Tuesday, November 26, 2002

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Bureau of L&H Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-3153

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

**DEPARTMENT OF INSURANCE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	4-149.0025
Rate Filing Procedures	4-149.003
Actuarial Memorandum and Definitions	4-149.006
Form Filing Procedures	4-149.021
Forms Adopted	4-149.022
Calculation of Premium Rates	4-149.037
Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirements	4-149.038
Marketing Communication Material and Marketing Guidelines	4-149.041
Small Employer Health Reinsurance Program	4-149.043

**PURPOSE AND EFFECT:** The rule:

- Provides rating standards to be used in the small employer group market. It provides for the implementation of recent law changes made to the small group market which allows for a higher rate for 1-life groups compared to 2-50 life groups.
- Relocates existing definitions to a definition section of the rule.
- Adopts an updated form DI4-1507 to be used in making filings to the Department.
- Allows exclusion of claims covered by workers' compensation and permits a rating factor based on the presence of workers' compensation coverage.
- Requires that a quote of a community rate must include a disclosure that the actual rate can vary 15% +/- based on underwriting.
- Prohibits issuers of guaranteed issue policies to small employers from imposing limitations not provided by §626.6699, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Rating Standards to be used in the small employer group market.

SPECIFIC AUTHORITY: 624.308, 624.308(1), 626.9611, 627.410(6)(b),(e), 627.6699(5)(i)3.a.,4.a., (11)(b)3.a., (13)(i),(16) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307, 624.424(6), 625.121, 626.9541(1)(b),(g)2.,(x)3., 627.410, 627.476, 627.6699(3)(g),(v), (5)(a),(i) 3.a.,4.a., (6),(7),(11), (12)(c),(e), (13)(b),(i), 627.807 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: 1:00 p.m., November 25, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Bureau of Life and Health Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 4-149.0025 Definitions.

(1) Actual-to-Expected Claims ratio: The expected claims are the product of the anticipated loss ratio and the earned premium, both on a policy year or issue year basis. The ratio is actual incurred claims under the policy form divided by expected claims. Both the year-by-year pattern of these ratios and the inception-to-date total ratio shall be presented.

(2) Anticipated Loss Ratio\*N: For each value of N, this is the anticipated loss ratio with the first (N-1) policy years removed and is read "the anticipated loss ratio star N". The present value calculations use pricing assumptions. These values shall be provided for each policy year for each new policy filing. These shall be updated for each rate filing to reflect any change in the minimum lifetime loss ratio for the policy form.

(3) Attained Age Premium Schedule: An attained age premium schedule is one in which the policyholder's premium is dependent upon his or her age at policy renewal. The aging component of the claim cost is not pre-funded. These schedules shall be constructed so that the slope by age is substantially similar to the slope of the ultimate claim cost curve. The premiums must form a smooth progression and, to eliminate jumps in premium caused by bracketed age groups,

insurers shall use each available renewable age. These requirements do not apply to any group policy where the final premium charged is an average of the individual members.

(4) Closed Policy Form: A policy form is closed for rating purposes if the insurer has not actively offered it for sale in the previous twelve (12) months.

(5) Credible Data: If a policy form has 2000 or more policies in force, then full (100%) credibility is given to the experience; if fewer than 500 policies are in force, then zero (0%) credibility is given. Linear interpolation is used for in force amounts between 500 and 2000. For group policy forms, the numbers in this definition refer to group certificates, not policies. A combination of Florida and nationwide data shall be used only if Florida-only data is not fully credible. Specific alternate credibility standards for particular lines of business shall be submitted to the Department by affected insurers no later than 4/1/94. The Department shall consider such alternate standards and commence formal rulemaking no later than 6/1/94. Prior to and ending on the effective date of such rules, alternate credibility standards advanced by any insurer for a particular line of business shall be considered by the Department. In order for those alternate standards to be acceptable, the insurer must demonstrate that the standards are: based on sound actuarial principles and that the resulting loss ratios are in substantial compliance with the requirements of Rules 4-149.003 and 4-149.006, F.A.C.

(6) Entire Future Lifetime: This is the maximum period over which the policy would be in effect if not terminated by action of the insurer or the insured. For individual policies, the minimum acceptable period for calculation purposes is the number of years before fewer than 5% of the original policyholders remain in force. This period is determined using the anticipated termination rates for the form. For group policies, the Entire Future Lifetime is the rating period. Policy Forms which have had rate revisions prior to the effective date of this rule with a projection period shorter than the entire lifetime of the policy shall, for the purposes of computing loss ratios, continue to use the same number of years in the projection period for future rate revisions.

(7) Franchise policies are considered to be individual policies under these rules unless the franchise policies are health benefit plans under Section 627.6699, F.S. In this event, the franchise policies will be considered to be group policy forms.

(8) Group Insurance Policy Form: This means any insurance provided by a group master contract issued to any entity representing a group specified in Chapter 627, Part VII, F.S., such as a trust, an association, a union, an employer, or a group established primarily for the purpose of providing insurance coverage.

(9) Group Size: For Group Insurance Policy Forms insuring employer/employee relationships, the Group Size is the average number of certificates per employer. For other

types of groups, the Group Size is the number of certificates issued in the State of Florida for out-of-state group master contracts or the average number of certificates per master contract issued in the State of Florida for in-state groups, up to a maximum of 50 certificates.

(10) Line of Business: For rating purposes, the Department recognizes the following types of policy forms:

(a) Medical Expense: Policy forms that pay benefits based on the actual costs charged for hospital care (in or out patient), health care provider services, durable medical equipment, drugs, blood, medical supplies, x-ray and radiology services, lab work or like services which are reasonable and medically necessary and are not otherwise excluded under the policy. The Policy Form will be considered a "Medical Expense" policy if at least 50% of total benefits of the policy based upon expected claim costs are subject to Medical Trend. The following coverages will not be considered medical expense insurance:

1. Medicare Supplement insurance.
2. Long Term Care insurance.
3. Coverage supplemental to liability insurance.
4. Worker's compensation or similar insurance.
5. Automobile medical payment insurance.

(b) Medical Indemnity: Policy forms that pay a predetermined, specified, fixed benefit for services provided. Claim costs under these forms are generally not subject to Medical Trend, although they may be subject to utilization changes. Policy forms that can use this structure include Hospital Indemnity, Dread Disease, and Accident policy forms.

(c) Medicare Supplement: Policy forms which pay benefits supplementing the federal Medicare program. These are subject to Rule Chapter 4-156, F.A.C.

(d) Long Term Care: Policy forms which provide benefits as defined in Rule Chapter 4-157, F.A.C. These policies are subject to this Part I, except that the minimum loss ratios shall be as required by Rule Chapter 4-157, F.A.C. In the event of any conflict between this rule chapter and Rule Chapter 4-157, F.A.C., the latter shall prevail.

(e) Loss of Income: Policy forms which pay a regular income as long as the insured is disabled but not beyond the benefit period.

(11) New Policy Form: This means a policy form that is proposed for approval to the Department and has no policies issued or inforce.

(12) Policy Form: This means either a single policy form or any collection of policy forms that have been combined for rating purposes. A collection once combined continues to be combined.

(13) Premium Schedule: This is the collection of rates to be charged, and encompasses base rates and any modifying factors.

(14) Rate Change: This is any change to the premium schedule being charged.

(15) Renewal Clauses:

(a) Optionally Renewable means that renewal can be declined on any individual or group contract at the option of the insurer.

(b) Conditionally Renewable means that renewal can be declined by class, by geographic area or for stated reasons other than deterioration of health. The insurer may revise rates on a class basis.

(c) Guaranteed Renewable means that renewal cannot be declined by the insurer for any reason other than fraud, misrepresentation, or failure to pay the premium when due, but the insurer can revise rates on a class basis.

(d) Non-cancelable means that renewal cannot be declined for any reason other than fraud, misrepresentation, or failure to pay the premium when due and that rates cannot be revised by the insurer.

(e) Non-Renewable means that there is a contractual provision which prevents a policy duration of more than a specific period which shall be no more than one (1) year.

(16) Select and Ultimate Premium Schedule: This is any premium schedule which has premiums that vary based on the time elapsed since issuance of the policy.

(17) Similar Benefits: Policy Forms may be considered by the insurer to have Similar Benefits if the benefit configuration under the forms is of the same type. Covered services, benefit triggers, copay amounts, copay options, deductible sizes, daily limits, inside and outside limits may vary and still be considered by the insurer as having similar benefits up to an entire Line of Business.

Specific Authority 624.308(1), 627.410(6)(b),(c) FS. Law Implemented 627.410(1), (2), (6), 627.411(1)(c) FS. History—New

4-149.003 Rate Filing Procedures.

(1) No change.

(2) Filing Format for Individual Policies and Group Policies and Certificates.

(a) No change.

(b) A health insurance rate filing shall consist of one copy of each of the following items:

1. No change.

2. Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter", as adopted in Rule 4-149.022, F.A.C. rev.—7/01, completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet", as adopted in Rule 4-149.022, F.A.C. rev.—7/01.

3. through 5. No change.

(3) through (5) No change.

Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 119.07(1)(b), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95, 4-4-02, \_\_\_\_\_.

#### 4-149.006 Actuarial Memorandum and Definitions.

(1) through (3) No change.

#### (4) Definitions:

(a) ~~Actual to Expected Claims ratio: The expected claims are the product of the anticipated loss ratio and the earned premium, both on a policy year or issue year basis. The ratio is actual incurred claims under the policy form divided by expected claims. Both the year-by-year pattern of these ratios and the inception-to-date total ratio shall be presented.~~

(b) ~~Anticipated Loss Ratio\* $N$ : For each value of  $N$ , this is the anticipated loss ratio with the first ( $N-1$ ) policy years removed and is read “the anticipated loss ratio star  $N$ ”. The present value calculations use pricing assumptions. These values shall be provided for each policy year for each new policy filing. These shall be updated for each rate filing to reflect any change in the minimum lifetime loss ratio for the policy form.~~

(c) ~~Attained Age Premium Schedule: An attained age premium schedule is one in which the policyholder’s premium is dependent upon his or her age at policy renewal. The aging component of the claim cost is not pre-funded. These schedules shall be constructed so that the slope by age is substantially similar to the slope of the ultimate claim cost curve. The premiums must form a smooth progression and, to eliminate jumps in premium caused by bracketed age groups, insurers shall use each available renewable age. These requirements do not apply to any group policy where the final premium charged is an average of the individual members.~~

(d) ~~Closed Policy Form: A policy form is closed for rating purposes if the insurer has not actively offered it for sale in the previous twelve (12) months.~~

(e) ~~Credible Data: If a policy form has 2000 or more policies in force, then full (100%) credibility is given to the experience; if fewer than 500 policies are in force, then zero (0%) credibility is given. Linear interpolation is used for in force amounts between 500 and 2000. For group policy forms, the numbers in this definition refer to group certificates, not policies. A combination of Florida and nationwide data shall be used only if Florida-only data is not fully credible. Specific alternate credibility standards for particular lines of business shall be submitted to the Department by affected insurers no later than 4/1/94. The Department shall consider such alternate standards and commence formal rulemaking no later than 6/1/94. Prior to and ending on the effective date of such rules, alternate credibility standards advanced by any insurer for a particular line of business shall be considered by the Department. In order for those alternate standards to be acceptable, the insurer must demonstrate that the standards are:~~

~~based on sound actuarial principles and that the resulting loss ratios are in substantial compliance with the requirements of Rules 4-149.003 and 4-149.006, F.A.C.~~

(f) ~~Entire Future Lifetime: This is the maximum period over which the policy would be in effect if not terminated by action of the insurer or the insured. For individual policies, the minimum acceptable period for calculation purposes is the number of years before fewer than 5% of the original policyholders remain in force. This period is determined using the anticipated termination rates for the form. For group policies, the Entire Future Lifetime is the rating period. Policy Forms which have had rate revisions prior to the effective date of this rule with a projection period shorter than the entire lifetime of the policy shall, for the purposes of computing loss ratios, continue to use the same number of years in the projection period for future rate revisions.~~

(g) ~~Franchise policies are considered to be individual policies under these rules unless the franchise policies are health benefit plans under Section 627.6699, F.S. In this event, the franchise policies will be considered to be group policy forms.~~

(h) ~~Group Insurance Policy Form: This means any insurance provided by a group master contract issued to any entity representing a group specified in Chapter 627 Part VII, F.S., such as a trust, an association, a union, an employer, or a group established primarily for the purpose of providing insurance coverage.~~

(i) ~~Group Size: For Group Insurance Policy Forms insuring employer/employee relationships, the Group Size is the average number of certificates per employer. For other types of groups, the Group Size is the number of certificates issued in the State of Florida for out-of-state group master contracts or the average number of certificates per master contract issued in the State of Florida for in-state groups, up to a maximum of 50 certificates.~~

(j) ~~Line of Business: For rating purposes, the Department recognizes the following types of policy forms:~~

1. ~~Medical Expense: Policy forms that pay benefits based on the actual costs charged for hospital care (in or out patient), health care provider services, durable medical equipment, drugs, blood, medical supplies, x ray and radiology services, lab work or like services which are reasonable and medically necessary and are not otherwise excluded under the policy. The Policy Form will be considered a “Medical Expense” policy if at least 50% of total benefits of the policy based upon expected claim costs are subject to Medical Trend. The following coverages will not be considered medical expense insurance:~~

- a. ~~Medicare Supplement insurance.~~
- b. ~~Long Term Care insurance.~~
- c. ~~Coverage supplemental to liability insurance.~~
- d. ~~Worker’s compensation or similar insurance.~~
- e. ~~Automobile medical payment insurance.~~

~~2. Medical Indemnity: Policy forms that pay a predetermined, specified, fixed benefit for services provided. Claim costs under these forms are generally not subject to Medical Trend, although they may be subject to utilization changes. Policy forms that can use this structure include Hospital Indemnity, Dread Disease, and Accident policy forms.~~

~~3. Medicare Supplement: Policy forms which pay benefits supplementing the federal Medicare program. These are subject to Rule Chapter 4-156, F.A.C.~~

~~4. Long Term Care: Policy forms which provide benefits as defined in Rule Chapter 4-157, F.A.C. These policies are subject to this Part I, except that the minimum loss ratios shall be as required by Rule Chapter 4-157, F.A.C. In the event of any conflict between this rule chapter and Rule Chapter 4-157, F.A.C., the latter shall prevail.~~

~~5. Loss of Income: Policy forms which pay a regular income as long as the insured is disabled but not beyond the benefit period.~~

~~(k) New Policy Form: This means a policy form that is proposed for approval to the Department and has no policies issued or inforce.~~

~~(l) Policy Form: This means either a single policy form or any collection of policy forms that have been combined for rating purposes. A collection once combined continues to be combined.~~

~~(m) Premium Schedule: This is the collection of rates to be charged, and encompasses base rates and any modifying factors.~~

~~(n) Rate Change: This is any change to the premium schedule being charged.~~

~~(o) Renewal Clauses:~~

~~1. Optionally Renewable means that renewal can be declined on any individual or group contract at the option of the insurer.~~

~~2. Conditionally Renewable means that renewal can be declined by class, by geographic area or for stated reasons other than deterioration of health. The insurer may revise rates on a class basis.~~

~~3. Guaranteed Renewable means that renewal cannot be declined by the insurer for any reason other than fraud, misrepresentation, or failure to pay the premium when due, but the insurer can revise rates on a class basis.~~

~~4. Non-Cancelable means that renewal cannot be declined for any reason other than fraud, misrepresentation, or failure to pay the premium when due and that rates cannot be revised by the insurer.~~

~~5. Non-Renewable means that there is a contractual provision which prevents a policy duration of more than a specific period which shall be no more than one (1) year.~~

~~(p) Select and Ultimate Premium Schedule: This is any premium schedule which has premiums that vary based on the time elapsed since issuance of the policy.~~

~~(q) Similar Benefits: Policy Forms may be considered by the insurer to have Similar Benefits if the benefit configuration under the forms is of the same type. Covered services, benefit triggers, copay amounts, copay options, deductible sizes, daily limits, inside and outside limits may vary and still be considered by the insurer as having similar benefits up to an entire Line of Business.~~

~~Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 627.410(1),(2),(6), 627.411(1)(e) FS. History—New 7-1-85, Formerly 4-58.06, 4-58.006, Amended 4-18-94, 4-9-95,\_\_\_\_\_.~~

~~4-149.021 Form Filing Procedures.~~

~~(1) No change.~~

~~(b) A form filing shall consist of one copy of each of the following items:~~

~~1. No change.~~

~~2. Form DI4-1507, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter”, as adopted in Rule 4-149.022, F.A.C. rev. 7/01, completely filled out in accordance with Form DI4-1507A, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet”, as adopted in Rule 4-149.022, F.A.C. rev. 7/01.~~

~~3. through 6. No change.~~

~~(2) through (7) No change.~~

~~Specific Authority 624.308 FS. Law Implemented 624.307, 625.121, 627.410, 627.476, 627.807 FS. History—New 10-29-91, Amended 8-23-93, 4-18-94, 8-22-95, 5-15-96, 4-4-02,\_\_\_\_\_.~~

~~4-149.022 Forms Adopted.~~

~~(1) No change.~~

~~(2)(a) Form DI4-1507, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter”, rev. 10/02 1/02.~~

~~(b) Form DI4-1507A, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet”, rev. 10/02 1/02.~~

~~(c) through (jjj) No change.~~

~~Specific Authority 624.308 FS. Law Implemented 627.410 FS. History—New 10-29-91, Amended 5-15-96, 4-4-02, 5-2-02,\_\_\_\_\_.~~

~~4-149.037 Calculation of Premium Rates.~~

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

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

~~(c)1. All health benefit plans shall provide coverage required by Section 627.6699, Florida Statutes, and shall not exclude any coverage unless specifically authorized under Section 627.6699, Florida Statutes.~~

2. To avoid over insurance and to provide for coordination of benefits pursuant to Section 627.4235, Florida Statutes, a plan may include a provision to exclude claims for benefits paid by workers' compensation insurance coverage of the employer.

3. To reflect the benefit differences provided by the plan, a carrier may file for approval a rating factor reflecting the additional benefits being provided by the health plan if the small employer does not have workers' compensation insurance.

(4) Rate filing requirements – Modified Community Rating. Premium schedules for benefit plans offered to small employer groups shall be based solely on the following categories and factors of the employee, without regard to the nature of the employer group.

(a) No change.

(b) 1. through 3. No change.

4. The rate required by subparagraph (4)(a)7. above shall be applicable when both employee and spouse are enrolled in Medicare. If one is enrolled and one is not, regardless of which spouse is the employee, the rate charged shall be adjusted to reflect the reduction of exposure due to the fact that one spouse is enrolled in Medicare. The rate shall be determined assuming that one individual is enrolled in Medicare. The rate for the individual enrolled in Medicare will be isolated, multiplied by the Medicare primary to Medicare secondary ratio, and then added back to the portion of the rate that is not Medicare primary. A sample illustrative calculation follows; other combinations should be calculated in a similar manner:

a. For employee + spouse coverage where the spouse is Medicare primary – The difference between the employee + spouse Medicare secondary rate and the employee only Medicare secondary rate shall be determined. This shall reflect the implied spouse rate. This implied spouse rate shall be multiplied by the ratio of the Medicare primary rate divided by the Health plan primary rate. This resulting rate shall be added to the employee only rate.

b. For family coverage – The difference between the family rate and the employee + dependent rate shall be determined. This shall reflect the implied spouse rate. This implied spouse rate shall be multiplied by the ratio of the Medicare primary rate divided by the Health plan primary rate. This resulting rate shall be added to the employee + dependent only rate.

(c) through (e) No change.

(5) through (6) No change.

(7)(a) A small employer carrier may file for approval subject to Part I of this rule chapter a rate factor to be applied to one-life groups.

(b) If elected, future rate filings shall file the rate schedule applicable to the 2-50 eligible employee groups based on the 2-50 group experience and include the rate factor to be applied to such rate schedule resulting in the rate schedule to be applied to one-life groups.

(c) The one-life factor shall not exceed 1.50.

(d) The one-life factor shall be applied to all one-life groups.

(e) If the small employer carrier elects the option permitted by Rule 4-149.037(6), F.A.C. in addition to this option, the one-life factor shall be determined such that the one-life factor times the maximum increase permitted under Rule 4-149.037(6), F.A.C. does not exceed 1.50.

(f) If the small employer carrier elects the options permitted by Rule 4-149.037(6), F.A.C. and this option, the rate quoted to the one-life group shall first apply the one-life factor under this subsection (7) and then apply the provisions of subsection (6) limited to 1.50.

(g) Future filings shall include aggregate small group experience, actual one-life group experience, and the one-life group experience with the earned premium restated to remove the one-life factor; i.e., restate earned premium as though the 2-50 eligible employee rate schedule without the one-life factor rate had been charged.

(h) The aggregate experience, as well as the separate one-life experience, shall meet the target loss ratio standards for the form.

Specific Authority 624.308(1), 627.6699(16) FS. Law Implemented 627.410, 627.6699(6), (12)(e), (13), (13)(i) FS. History—New 3-1-93, Amended 11-7-93, 5-11-94, 4-23-95, 8-4-02, \_\_\_\_\_.

4-149.038 Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement.

(1)(a) Pursuant to Section 627.6699, F.S., each carrier that provides health benefit plans in this state shall file, pursuant to Paragraph 4-149.044(2)(b), F.A.C., ~~with its annual statement each year,~~ on or before March 1 for the preceding year ending December 31, Form DI4-1094, Report of Gross Annual Premiums and Enrollment Data for Health Benefit Plans Issued to Florida Residents adopted in Rule 4-149.044, F.A.C., providing information on health benefit plans written in this state.

(b) No change.

(2) No change.

(3)(a) All small employer carriers utilizing rating adjustments pursuant to subsection 4-149.037(7), F.A.C., shall make semiannual reports of their experience. The semiannual reports shall reflect experience from January 1 through June 30 and from July 1 through December 31 of each year. The reports shall be filed with the Department, pursuant to paragraph 4-149.044(2)(b), F.A.C., within 45 days following the last day of the reporting period. The carrier shall report:

1. through 7. No change.

8. ~~(7)/(4)~~ ~~(7)/(3)~~ percentage deviation of charged rate to community rate for claims, health and duration status.

(b) through (d) No change.

Specific Authority 627.6699(5)(i)3.a., 4.a., (16) FS. Law Implemented 624.424(6), 627.6699(5)(i)3.a., 4.a. FS. History--New 3-1-93, Amended 11-7-93, 8-4-02,\_\_\_\_\_.

4-149.041 Marketing Communication Material and Marketing Guidelines.

(1) No change.

(2) Any insurer marketing small group health plans shall comply with the following guideline;:-

(a) through (e) No change.

(f)1. Pursuant to Section 626.9611, Florida Statutes F.S., the Department identifies the following as being prohibited by Section 626.9541(1)(b), Florida Statutes F.S.; for a small employer carrier in reflecting any of the permitted rate adjustments in subsection 4-149.037(6), F.A.C.:

a. No change.

b. Where necessary underwriting information has not been analyzed, to quote a rate other than the approved community rate. Any such quote of the community rate shall include a disclosure that the rate will be affected by the results of underwriting by up to 15 percent without disclosure that the rate may be adjusted up or down to 15 percent for new groups, or up to a 10 percent increase for renewal groups.

2. No change.

(g) Any practice that results in the declination of an application from a small employer constitutes a failure to comply with the guaranteed-issue requirements of Section 627.6699(5), Florida Statutes; for example, imposing standards for eligibility that are not required by law, such as:

- 1. Requiring the small employer be a domestic entity; or
- 2. Requiring the group have prior group coverage; or
- 3. Requiring payment of premiums with business checks instead of personal checks.

Specific Authority 627.6699(13)(i),(16), 626.9611 FS. Law Implemented 626.9541(1)(b),(g)2.(x)3., 627.6699(3)(g),(v), (5)(a),(7),(12),(12)(c),(13),(b) FS. History--New 3-1-93, Amended 11-7-93, 4-23-95, 8-4-02,\_\_\_\_\_.

4-149.043 Small Employer Health Reinsurance Program.

(1) No change.

(2) Of the 8 additional members of the board, subsequently amended to 13 in the 2000 legislative session, 5 shall be selected from individuals recommended by small employer carriers. Any small employer carrier wishing to do so may submit a list of recommended appointees to the commissioner either on its own behalf or through its trade organization. The list shall be submitted to: Chief, Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0328 or submitted electronically to [lhfrbureau@doi.state.fl.us](mailto:lhfrbureau@doi.state.fl.us) ~~ihfrbureau@doi.state.fl.us~~. The

carrier or trade organization submitting the list shall include the following information about the persons it is recommending:

(a) through (d) No change.

Specific Authority 624.308(1), 627.6699(11)(b)3.a. FS. Law Implemented 627.6699(11) FS. History--New 11-7-93, Amended 8-4-02,\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE CHAPTER TITLE: Filing of Forms and Rates for Life and Health Insurance; Electronic Filing

RULE CHAPTER NO.: 4-149

RULE TITLES: Rate Filing Procedures Form Filing Procedures

RULE NOS.: 4-149.003 4-149.021

PURPOSE AND EFFECT: To implement electronic filing and require it to be mandatory.

SUBJECT AREA TO BE ADDRESSED: Method of submitting filings as required by statute.

SPECIFIC AUTHORITY: 624.308(1), 627.410(6)(b),(e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 627.410 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: 11:00 a.m., December 3, 2002

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of L&H Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

**DEPARTMENT OF INSURANCE**

RULE TITLES: Outline of Coverage Indemnity Standard Risk Rates Preferred Provider/Exclusive Provider Standard Risk Rates Health Maintenance Organization Standard Risk Rates

RULE NOS.: 4-149.204 4-149.205 4-149.206 4-149.207

PURPOSE AND EFFECT: The rule amendment adopts new standard risk rates pursuant to § 627.6675(3)(c), F.S., and makes minor corrections to conform the rule to current statutory language. The standard risk rates are required to be amended annually.

SUBJECT AREA TO BE ADDRESSED: Standard risk rates.

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 11:00 a.m., November 26, 2002

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT THE WORKSHOP.

**DEPARTMENT OF INSURANCE**

RULE CHAPTER TITLE: Minimum Reserve Standards for Individual Group Health Insurance Contracts  
RULE CHAPTER NO.: 4-154, Part III

PURPOSE AND EFFECT: To update Health Reserves to be consistent with new NAIC Standards.

SUBJECT AREA TO BE ADDRESSED: Minimum Reserve Standards for Individual Group Health Insurance Contracts.

SPECIFIC AUTHORITY: 624.308(1), 625.121(14), 625.081 FS.

LAW IMPLEMENTED: 624.307(1), 625.081, 625.121 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, November 26, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Bureau of L&H Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-3153

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

**DEPARTMENT OF INSURANCE**

RULE TITLE: Guaranteed Availability of Individual Health Coverage to Eligible Individuals; Electronic Filing  
RULE NO.: 4-154.112

PURPOSE AND EFFECT: To amend Florida Administrative Code to implement electronic filing and require it to be mandatory.

SUBJECT AREA TO BE ADDRESSED: Guaranteed availability of individual health coverage to eligible individuals.

SPECIFIC AUTHORITY: 624.308, 627.6487(4)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.6487 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: 11:00 a.m., December 3, 2002

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Actuary, Bureau of L&H Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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 above.

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



**DEPARTMENT OF INSURANCE**

RULE TITLE: RULE NO.:

Loss Ratio Standards and Refund or Credit of Premium; Electronic Filing 4-156.011

PURPOSE AND EFFECT: The rule is being amended to implement electronic filing and require it to be mandatory.

SUBJECT AREA TO BE ADDRESSED: Medicare Supplement Insurance.

SPECIFIC AUTHORITY: 624.308, 627.674(2), 627.410 FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.674 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: 11:00 a.m., December 3, 2002

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of L&H Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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 above.

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

**DEPARTMENT OF INSURANCE**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Credit Life and Credit Disability Insurance 4-163

RULE TITLE: RULE NO.:  
Filing Requirements; Electronic Filing 4-163.0045

PURPOSE AND EFFECT: The purpose and effect is to implement electronic filing and require it to be mandatory.

SUBJECT AREA TO BE ADDRESSED: Credit Life and Credit Disability Insurance.

SPECIFIC AUTHORITY: 624.308(1), 627.678, 627.410 FS.

LAW IMPLEMENTED: 624.307(1), 624.410, 627.6785, 627.682 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: 11:00 a.m., December 3, 2002

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of L&H Forms & Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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 above.

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

**DEPARTMENT OF INSURANCE**

RULE TITLE: RULE NO.:

Filing, Approval of Subscriber Contract and Related Forms; Electronic Filing 4-191.051

PURPOSE AND EFFECT: To implement electronic filing and require it to be mandatory.

SUBJECT AREA TO BE ADDRESSED: Method of submitting filings as required by statute.

SPECIFIC AUTHORITY: 641.36, 624.308 FS.

LAW IMPLEMENTED: 641.31 FS.

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

TIME AND DATE: 11:00 a.m., December 3, 2002

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of L&H Forms & Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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 above.

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

**DEPARTMENT OF INSURANCE**

RULE TITLE: RULE NO.:

Filing, Approval of Subscriber Contract and Related Forms; Electronic Filing 4-203.042

PURPOSE AND EFFECT: To implement electronic filing and require it to be mandatory.

SUBJECT AREA TO BE ADDRESSED: Method of submitting filings as required by statute.

SPECIFIC AUTHORITY: 636.067, 624.308 FS.

LAW IMPLEMENTED: 636.018 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: 11:00 a.m., December 3, 2002.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of L&H Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Best Management Practices for Citrus, Cow/Calf, Dairy, and Used in the Lake Okeechobee Priority Basins (S-191, S-154, S-65 D and E) 5M-3

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUBJECT AREA TO BE ADDRESSED: The purpose of this workshop is to review a draft rule that adopts the document titled *Water Quality/Quantity BMPs for Indian River Area Citrus Groves* and the document titled *Water Quality/Quantity BMPs for Cow/Calf Operations*. The draft rule also purposes to adopt, by reference, *Site Specific Agricultural Nutrient Management Assessments and Plans for Dairies and Cow/Calf operations*. In addition, the draft rule establishes record keeping requirements and procedures for landowners and leaseholders to submit a Notice of Intent to Implement the Best Management Practices (BMPs) and interim measures.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 373.4595(3) FS.

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

TIME AND DATE: 7:00 p.m. – 9:00 p.m., December 5, 2002

PLACE: Okeechobee County Civic Center, Hwy. 98, North, Okeechobee, FL 34972, (863)763-6469

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: R. Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)488-6249 or FAX (850)921-2153

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Highway Beautification and Landscape Management 14-40

RULE TITLES: RULE NOS.:

Grant Process 14-40.020

Funding, Construction, and Maintenance of Beautification Projects 14-40.021

Florida Highway Beautification Council Grant Process 14-40.022

Funding, Construction, and Maintenance of Beautification Projects 14-40.023

PURPOSE AND EFFECT: This amendment to Part II of Rule Chapter 14-40, F.A.C., includes a restructuring of the rules. The definitions are expanded to include additional terms, which are subsequently referred to by the defined term only. The order of the rules within Part II of Rule Chapter 14-40, F.A.C., is being changed by repealing Rule 14-40.021, F.A.C., and then adopting it as a new Rule 14-40.023, F.A.C. The Award of Grants and Execution of Grants sections in Rule 14-40.020, F.A.C., also are deleted in that rule and moved to Rule 14-40.022, F.A.C.

SUBJECT AREA TO BE ADDRESSED: This is a restructuring of Part II of Rule Chapter 14-40, F.A.C., covering the Florida Highway Beautification Council.

SPECIFIC AUTHORITY: 334.044(2), 337.2505(1), 339.2405 FS.

LAW IMPLEMENTED: 335.167, 337.405, 339.2405 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART II FLORIDA HIGHWAY BEAUTIFICATION  
COUNCIL GRANTS

14-40.020 Grant Process.

(1) Definitions.

(a) "Applicant" means a local governmental entity, as defined in Section 11.45(1)(d), Florida Statutes, or a local highway beautification council.

(b) "Department" means the Florida Department of Transportation.

(c) "FHBC" means the Florida Highway Beautification Council.

(d) "Grant" means funds provided by the Department to Applicants, pursuant to this Rule Chapter.

(e) "Grant Agreement" means the contract between the Applicant and the Department setting forth the terms of the Grant.

(f) "Grant Application" means the Florida Highway Beautification Council Grant Application, Form 850-060-01, Rev. 03/03, incorporated herein by reference. Copies of the Florida Highway Beautification Council Grant Application form (grant application), Form 850-060-01, Rev. 03/03, incorporated herein by reference, and instructions for completing the grant application may be obtained from Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450, or through the Department website at <http://www11.myflorida.com/emo/>.

(g) "Grant Coordinator" means the Department District FHBC employee responsible for the program.

(2) Grant Application Process.

(a) Applications for highway beautification grants from the FHBC must be filed and processed in accordance with this Rule Chapter. When preparing an application for the next fiscal year, applicants should meet and work with the Grant Coordinator on or about October 1, to give adequate time for review and revisions before the February 1, application deadline.

(b)(a) Previous recipients of grants are eligible to submit a grant application if their previous FHBC grant projects are maintained according to the terms of grant agreements, and any construction or maintenance agreements. Prior to submitting a grant request, applicants must prepare a landscape

plan and have it reviewed by the District Landscape Manager for compliance with Part I of this rule chapter. Following the review, the applicant must make any plan revisions required by the District Landscape Manager prior to approval. The Department's landscape plan review, revision, and approval process may require up to 120 days.

(c)(b) The After the landscape plan has been approved by the District Landscape Manager, in accordance with paragraph (a) above, the applicant must submit grant requests on a completed grant application Florida Highway Beautification Council Grant Application, Form 850-060-01, Rev. 09/01, (hereinafter "grant application") incorporated herein by reference, to the Department District Maintenance Engineer having jurisdiction over the state highway on which the beautification project is proposed. Copies of the grant application form and instructions for completing the grant application may be obtained from Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, or by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450. The grant application must designate the Department fiscal year in which the grant applicant would like the application considered. The grant application must be accompanied by the following supporting documents: location map, photographs of existing conditions, one page written project narrative, written or graphic conceptual plan (in accordance with Part I of this Rule Chapter), one paragraph descriptions of each evaluation attribute, photographs or sketches of examples of proposed improvements, list of proposed plant species (scientific and botanical names) and anticipated quantities, anticipated maintenance schedule, proposed means of providing supplemental water, project schedule, and resolutions required in paragraph (g) below plans which were approved in accordance with subsection 1. above.

(e) The grant application must be complete and must contain all of the information required in Section 339.2405(11), Florida Statutes. The applicant may make corrections, additions, or deletions to the grant application and resubmit the grant application at any time prior to the due date as required in subparagraph 4. below.

(d) Grant applications may be submitted at any time of the year. In order for the FHBC to consider a grant application for any Department fiscal year, ten paper copies or an electronic file copy of the completed grant application and supporting documents must be received by the Grant Coordinator appropriate District Maintenance Engineer by February 1 of the prior Department fiscal year. When requested by the Grant Coordinator District Maintenance Engineer, additional copies will be provided. Incomplete grant applications, or grant applications that do not comply with state or federal regulations, will be returned to the applicant. An applicant may amend and resubmit any returned grant application by the

February 1 deadline for consideration for a future fiscal year. Grant applications which are not accompanied by an approved set of plans will not be considered complete. Accordingly, it is the responsibility of the applicant to submit plans for approval under subsection 1. in time to allow approval prior to the grant application submittal deadline for the appropriate Department fiscal year.

(e) In accordance with Section 215.01, Florida Statutes, the Department's fiscal year begins on July 1 and ends on June 30.

(f) Applicants may submit an unlimited number of grant applications requests, for any number of project sites.

(g) The applicant's governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for the applicant local government to execute agreements and documents associated with the grant request, including a Highway Beautification Grant Agreement. A copy of such resolution must shall be included with the application.

(3) Award of Grants.

(a) ~~The FHBC must provide the Department a list of prioritized projects with recommended funding levels by the first day of the fiscal year. In order to distribute the available funds to the greatest number of applicants, each grant award must be limited to a maximum of 10% of the total FHBC grants budget, or \$25,000, whichever is greater.~~

(b) ~~Offers of grant awards must be made by the Department by certified letter to the applicant named in the grant application, detailing the grant award.~~

(c) ~~An applicant must accept a grant by sending a letter of acceptance by certified mail to the Department's District Secretary, with copies to the Department's District Maintenance Engineer and the FHBC staff coordinator, within 15 days from the date of receipt of the offer of the award.~~

(d) ~~No funds will be released by the Department until the Grant Agreement and any construction and maintenance agreements are executed.~~

(e) ~~All funding of grants is contingent upon legislative appropriations.~~

(4) Execution of Grant Agreement.

(a) ~~It will be the responsibility of the applicant to ensure that the Grant Agreement and any other construction and maintenance agreements associated with the grant proposal are fully executed by the applicant within 90 days after the agreements are sent to the applicant by the District. Failure to comply with this requirement will result in the grant offer being withdrawn. The grant may be awarded to another applicant. Grant applications from an applicant who fails to comply with this subsection will not be accepted for a period of two grant years.~~

(b) ~~The Grant Agreement between the applicant and the Department must state:~~

1. ~~The intended use of the grant, as described in the grant application.~~

2. ~~The payment terms for the grant (e.g., lump sum reimbursement or progress payments for long term work).~~

3. ~~Any actions which the Department will take in the event of noncompliance by the applicant.~~

4. ~~The methods to be used by the Department to determine compliance with the terms of the grant and the agreement.~~

~~Specific Authority 339.2405 334.044(2), 337.2505(1) FS. Law Implemented 335.167, 337.405, 339.2405 FS. History--New 1-19-99, Amended 11-22-01, \_\_\_\_\_.~~

14-40.021 Funding, Construction, and Maintenance of Beautification Projects.

~~Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 335.167, 337.405, 339.2405 FS. History--New 1-19-99, Amended 11-22-01, Repealed \_\_\_\_\_.~~

14-40.022 Florida Highway Beautification Council Grant Process.

~~This rule sets forth the FHBC's process for evaluating and ranking applications for grants, pursuant to Section 339.2405(7)(a)4., Florida Statutes.~~

(1) ~~The FHBC will consider develop a prioritized list, ranked in numerical order, of all grant applications submitted by each Grant Coordinator reported to be sufficient by the Department's District Maintenance Engineer.~~

(a) ~~The FHBC will evaluate the applications based on the following attributes:~~

1. ~~Aesthetic value, imaginative concept and Appropriateness of the design for the location.~~

2. ~~Level of local support and community involvement. Use of desirable native, hybrid native, or naturalized plant materials.~~

3. ~~Cost effectiveness. Use of wildflowers.~~

4. ~~Feasibility of installation and maintenance. Irrigation requirements matched to plant needs and water conservation requirements, including Xeriscape practices.~~

5. ~~Contribution to improvement of environmental conditions, including litter prevention, erosion control, visual screening, and noise abatement. Emphasis on low maintenance requirements.~~

6. ~~Use of Florida native wildflowers, and diversity of other desirable native, hybrid native, or noninvasive plant species. Aesthetic values.~~

7. ~~Emphasis on low maintenance, irrigation, and water conservation. Contribution to noise abatement, visual screening, litter prevention, or the correction of other environmental problems.~~

8. ~~Use of recycled materials such as mulch, reuse water, or solid yard waste compost. Evidence of local governmental and community support.~~

9. ~~Contribution to an area wide or regional beautification plan. Use of imaginative design concepts.~~



14-57.012, F.A.C., are being adopted within Part II Public Railroad-Highway Grade Crossings. After this rule chapter amendment is adopted, existing rules relating to railroad crossings will be repealed in Rule Chapter 14-46, F.A.C., so that chapter will be limited to utilities.

**SUBJECT AREA TO BE ADDRESSED:** This is a basic restructuring of Rule Chapter 14-57, F.A.C., to create a Part I and Part II structure. There are no proposed amendments to the existing Rule 14-57.003, F.A.C., but it is being moved into Part I, and the three proposed rules are being adopted under Part II.

**SPECIFIC AUTHORITY:** 334.044(2), 335.141 FS.

**LAW IMPLEMENTED:** 335.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**RAILROAD SAFETY STANDARDS AND CLEARANCE STANDARDS, AND PUBLIC RAILROAD-HIGHWAY GRADE CROSSINGS REQUIREMENTS**

**14-57.010 Definitions for Use in Part II.**

The following definitions apply to this Part II:

(1) “Applicant” means any person, group, railroad, governmental entity, or the Department.

(2) “Application” means a Request to Open or Close a Public Railroad-Highway Grade Crossing, Form 725-090-66 (Rev. 10/00), incorporated herein by reference. Form 725-090-66 can be obtained from <http://www11.myflorida.com/rail/xingopenclose.htm> or Central Rail Office, Department of Transportation, 605 Suwannee Street, MS 25, Tallahassee, Florida 32399-0450.

(3) “Department” means the Florida Department of Transportation.

(4) “Governmental Entity” means as defined in Section 11.45(1)(d), Florida Statutes.

(5) “Public Railroad-Highway Grade Crossing” means as defined in Section 335.141(1)(b), Florida Statutes.

(6) “Railroad” means as defined in Section 341.301(5), Florida Statutes.

(7) “State Highway System” means as defined in Section 334.03(25), Florida Statutes.

(8) “Stipulation of Parties” means a voluntary agreement between the railroad(s), the governmental entity(ies), the Department, and the applicant, if different from the aforementioned.

Specific Authority 334.044(2), 335.141 FS. Law Implemented 335.141, 339.05 FS. History–New

**14-57.011 Public Railroad – Highway Grade Crossings Costs.**

(1) Purpose. To establish the degree of Department and Railroad participation in the cost of public railroad-highway grade crossings.

(2) Installation and Modification. The method of determining responsibility for installation or modification costs shall be as follows: At all public railroad-highway grade crossings, the method of determining railroad responsibility will be in accordance with the Federal Highway Administration Federal-Aid Policy Guide, Subchapter B, Part 141, Subpart I, incorporated herein by reference. To obtain copies of this document, go to [www.fhwa.dot.gov](http://www.fhwa.dot.gov): link to Legislation and Regulations.

(3) Maintenance. The method of determining participation in public railroad-highway grade crossing maintenance costs shall be as follows:

(a) Grade Crossing Traffic Control Devices. The Department shall participate in 50% of the cost of maintaining grade crossing traffic control devices so long as the devices are located on the State Highway System.

(b) Travel Way. When the grade crossing is located on the State Highway System, the railroad shall be responsible for the maintenance cost of all trackbed and rail components, and the highway roadbed for the width of the rail ties within the crossing area. The Department shall be responsible for the maintenance cost of the highway roadbed outside of the railway ties on crossings where the railroad has a property interest. The railroad shall be responsible for the maintenance cost of the highway roadbed where the crossing occupies public right of way.

(c) Grade Separation Structures. The Department shall be responsible for the maintenance cost of railroad overpasses when the structure is located on the State Highway System and carries highway traffic over a railroad. The railroad shall be responsible for the maintenance cost of railroad underpasses which carry highway traffic under a railroad.

Specific Authority 334.044(2), 335.141 FS. Law Implemented 335.141, 339.05 FS. History–New

**14-57.012 Standards for Opening and Closing of Railroad – Highway Grade Crossings – Opening and Closure.**

(1) Purpose. To establish standards for the opening and closing of public railroad-highway grade crossings. The objectives of these uniform standards will be to reduce the

accident frequency and severity at public railroad-highway grade crossings, and improve rail and motor vehicle operating efficiency.

(2) Opening and Closing Public Railroad-Highway Grade Crossings. The Department will accept applications for the opening and closing of public railroad-highway grade crossings from the governmental entity that has jurisdiction over the public street or highway; any railroad operating trains through the crossing; any other applicant for a public railroad-highway grade crossing provided there is in existence an agreement between the applicant and governmental entity to assume jurisdiction as a public crossing. The Department, on behalf of the State of Florida, will also open or close public railroad-highway grade crossings in accordance with the criteria set forth herein. Closure applications will also be accepted from individual citizens or groups, such as neighborhood associations. Opening or closure of public railroad-highway grade crossings shall be based upon Notices of Intent issued by the Department, administrative hearings conducted pursuant to Chapter 120, Florida Statutes, or upon a Stipulation of Parties executed by any applicant, governmental entity, the appropriate railroad, and the Department. The burden of proof for the opening or closing of a crossing is on the applicant. Acceptance of any application for processing by the Department shall not be construed as indicating the Department's position regarding the application. If the preliminary review of the application does not support the crossing opening or closure, the applicant will be advised of these findings. The applicant may choose to withdraw the application or continue the process. If withdrawn, the process is concluded. An applicant may suspend an application at any time. If the applicant chooses to pursue the opening or closure of the public railroad-highway crossing, the railroad and governmental entity having jurisdiction at the location are notified and provided a copy of the application. The governmental entity should provide a public forum for community involvement and contact affected individuals or groups to obtain input on impacts to the community. The expense of crossing closures or openings, which shall include installation, maintenance, and replacement of grade crossing traffic control devices and grade crossing surfaces, will be the responsibility of the applicant, unless otherwise negotiated and accepted by all parties.

(a) Opening of Public Railroad-Highway Grade Crossings. In considering an application to open a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Design of the grade crossing and road approaches.

6. Presence of multiple tracks and their effect upon railroad and highway operations.

(b) Conversion of Crossings. Conversion of private railroad-highway grade crossings to public use constitutes opening a new public crossing, and shall meet the same requirements. Active grade crossing traffic control devices meeting the criteria set forth in subsection 14-57.012(3), F.A.C., are required at all new public railroad-highway grade crossings.

(c) Closure of Public Railroad-Highway Grade Crossings. In considering an application to close a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Excessive restriction to emergency type vehicles resulting from closure.
6. Design of the grade crossing and road approaches.
7. Presence of multiple tracks and their effect upon railroad and highway operations.

(d) Closure of Public Railroad-Highway Grade Crossings by the Department. The Department will initiate and maintain a crossing consolidation and closure program based on analysis of engineering and safety factors, and impact on operating efficiency to vehicle and rail traffic. Governmental entities will be provided the listing of potential closures for review and recommendation. Closures by the Department will be considered based upon following:

1. Systems or Corridor Approach. Review of crossings on a specific corridor by railroads, cooperative teams (railroads, state, governmental entity), or state rail personnel, to determine redundant or unused crossings that are viable candidates for closure.

2. Diagnostic Team Safety Review. Diagnostic teams review and recommend candidates for closure on a rail corridor, based on overall safety index, specific hazards, or response to a serious accident(s).

3. Rail Changes, Construction, or Improvement Impacts. Closure candidates may result from track rehabilitation, new highway or railroad construction, adjacent crossing improvements or signalization, and changes in passenger or freight service.

4. Individual Recommendations: Recommendations for closure may be submitted by federal or state Safety Inspectors, Operation Lifesaver volunteers, Railroad Safety Committees, engineers involved in "near misses," neighborhood associations, or other persons.

(e) Grade Separation. When estimated highway traffic has 30,000 vehicles a day across main line tracks, an engineering and benefit-cost analysis must be performed by the applicant to determine if a grade separation is warranted.

(3) Installation Criteria. Warning devices.

(a) Basic Equipment. All existing public railroad-highway grade crossings without active warning devices shall have reflectorized railroad crossbucks on the right hand side of the road on both sides of the tracks as specified in the U. S. Department of Transportation *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, F.A.C. The reflectorized railroad advance warning sign and pavement markings shall be located at those public grade crossings which are specified in the MUTCD.

(b) Minimum Active Grade Crossing Traffic Control Devices. All new public railroad-highway grade crossings shall have, as a minimum, roadside flashing lights and gates on all roadway approaches to the crossing, usually placed on the right of approaching traffic. Lamp units shall be in accordance with the standards recommended by the *American Railroad Engineering Manual*, incorporated herein by reference. The location of the roadside flashing lights and gates shall be in accordance with the Department's *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, "Railroad Grade Crossing Traffic Control Devices" with the primary emphasis being the visibility of the flashing lights and gates. The Department's *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, "Railroad Grade Crossing Traffic Control Devices," is hereby incorporated by this rule and made a part of the rules of this Department. Copies of this document and any amendments thereto are available at <http://www11.myflorida.com/rddesign/Design%20Standards/designstds.htm>.

(c) Cantilevered Flashing Lights. Pairs of flashing lights placed on cantilevered arms extended over traffic lanes shall be employed when any one or more of the following conditions:

1. Multilane highways (two or more lanes in each direction).
2. Sight restrictions to the grade crossing affecting either the motorist or train crew.
3. Signal stanchion located greater than 23 feet from centerline of roadway. The length of the cantilever arm shall be in accordance with the Department's Standard Index, "Railroad Grade Crossing Traffic Control Devices."

(d) Automatic Crossing Gates. Automatic crossing gates in conjunction with flashing lights shall be installed if any one of the following conditions exist:

1. Multilane highway.
2. Multiple railroad tracks including passing tracks.
3. High speed train operation (greater than 65 mph) or commuter train operation (greater than 45 mph).

4. Traffic counts greater than 5,000 vehicles per day.

5. Greater than 30 through trains per day.

6. Traffic with greater than nine school buses per day.

7. Three or more tracks carrying hazardous material.

8. Continuance of accident history after installation of flashing lights.

9. Intersections within 200 feet of track (measured from the edge of travelway), providing the intersection has traffic signals or there are heavy turning movements from parallel highways onto the tracks.

(e) Traffic Signal Preemption. When new and existing grade crossings are within 200 feet of an intersection with traffic signals, a train activated preemption phase shall be provided in the active grade crossing traffic control device for the traffic signal system. The design of the traffic signal and phase sequencing shall be as specified in the MUTCD. Crossings located between 200 and 500 feet from a signalized intersection must either be preempted or be supported by an engineering study that determines that preemption is not in the interest of public safety.

(f) Train Speed Detection Devices. The activation of automatic flashing lights shall precede the train by a minimum of 20 seconds. Train arrival at the crossing shall not exceed 35 seconds from the start of the flashing lights. When train speeds on a given track vary considerably under normal operation, special devices or circuits shall be installed to provide notice in advance of all train movements over the crossing.

(g) Exceptions.

1. An exception will be granted to subsection 14-57.003(4), F.A.C., by the Department based on engineering design standards.

2. A new public railroad-highway grade crossing over an industrial spur tract may be considered for a delay in the installation of active grade crossing traffic control devices when train movements are two trains per day or less, and if the Department determines that the characteristics of the highway traffic is conducive to requiring a flagman; the Department will require the crossing to be manually flagged (e.g., highway in two lanes or less than 5,000 ADT, less than 30 mph operating speed, and, if train movements are at night, the grade crossing must be illuminated).

3. The Department will grant a temporary delay for the installation of such signals at a new public railroad-highway grade crossing when the installation of such signals would adversely affect the scheduled installation of signal improvements at those grade crossings deemed to have a higher state-wide priority.

(4) Public Railroad-Highway Grade Crossing Traffic Control Devices. All public railroad-highway grade crossing traffic control devices shall conform to the Department's *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, "Railroad Grade Crossing Traffic Control Devices."



Specific Authority 334.044(2), 335.141 FS. Law Implemented 335.141 FS. History-New

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

DOCKET NO.: 02-48R

RULE CHAPTER TITLE: Sovereignty Submerged Lands Management  
 RULE CHAPTER NO.: 18-21

RULE TITLE: Management Policies, Standards and Criteria  
 RULE NO.: 18-21.004

PURPOSE AND EFFECT: To add language in this chapter to establish management policies, standards, and criteria to be referenced when reviewing requests for authorization of activities at sovereignty and state-owned springs and spring runs.

SUBJECT AREA TO BE ADDRESSED: Standards and Criteria necessary to be followed to qualify for a Board of Trustees' authorization for activities at sovereignty and state-owned springs. Any area in any of this chapter may be addressed in furtherance of the purpose of this rulemaking.

SPECIFIC AUTHORITY: 253.03(7)(a), 253.73 FS.

LAW IMPLEMENTED: 253.03, 253.034, 253.04, 253.041, 253.141, 253.51, 253.61, 253.68, 253.72, 253.74, 253.75, 253.77 FS.

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

TIME AND DATE: 2:00 p.m., November 26, 2002

PLACE: Conference Rooms A & B, Douglas Building, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop by contacting the Bureau of Personnel Services, (850)245-2511. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James A. Stevenson, Office of Environmental Services, 3900 Commonwealth Blvd., M.S. 140, Tallahassee, Florida 32399-3000, (850)245-2784 or SC 205-2784, Fax (850)245-2786 or SC 205-2786, E-mail: James.Stevenson@dep.state.fl.us

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

**PUBLIC SERVICE COMMISSION**

DOCKET NO.: Undocketed

RULE TITLES:	RULE NOS.:
Number Portability	25-4.082
Preferred Carrier Freeze	25-4.083
Customer Billing for Local Exchange Telecommunications Companies	25-4.110

PURPOSE AND EFFECT: To codify the requirements that a company must release a subscriber's telephone number when the subscriber elects to switch providers and that a company may only put a preferred carrier freeze on a subscriber's service when one is requested by the subscriber.

SUBJECT AREA TO BE ADDRESSED: Number Portability and Preferred Carrier Freezes.

SPECIFIC AUTHORITY: 350.127, 364.16(4), 364.337, 364.603, 364.604(5) FS.

LAW IMPLEMENTED: 350.113, 364.16, 364.03, 364.17, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604 FS.

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

TIME AND DATE: 9:30 a.m., November 25, 2002

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida, Call-In No.: (850)488-5776

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets & Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.082 Number Portability.

(1) The serving local provider shall facilitate porting of the subscriber's telephone number upon request from the acquiring company.

(2) A number shall be ported regardless if a balance is owed. A local provider shall not disconnect a subscriber's service upon receiving a local service request from another local provider.

(3) A number that has been disconnected shall be aged for a minimum period of 30 days before it is released for reassignment.

(4) Numbers that have been disconnected for a period of less than 30 days shall be ported upon request from another local provider.

Specific Authority 350.127, 364.16(4), 364.337 FS. Law Implemented 364.16 FS. History–New

#### 25-4.083 Preferred Carrier Freeze.

A PC Freeze prevents a change in a subscriber's preferred provider selection unless the subscriber gives the provider from whom the PC Freeze was requested consent to remove the PC Freeze.

(1) A PC Freeze shall not be imposed on a subscriber's account without the subscriber's authorization and shall not be required as a condition for obtaining service.

(2) A PC Freeze shall be implemented or removed at no charge to the subscriber.

(3) A PC Freeze shall be offered on a nondiscriminatory basis to all subscribers, regardless of the subscriber's provider selections.

(4) The subscriber's authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers, including any solicitation, must clearly distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.

(5) All solicitation and other materials regarding PC Freezes must include:

(a) An explanation of what a PC Freeze is and what services are subject to a freeze;

(b) A description of the specific procedures necessary to lift a PC Freeze and an explanation that the subscriber will be unable to make a change in provider selection unless the subscriber authorizes lifting of the PC Freeze;

(c) An explanation that there are no charges for implementing or removing a PC Freeze;

(6) A local exchange provider shall not implement a PC Freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

(a) The local exchange provider has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (g); or

(b) The local exchange provider has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in subsection (g)1. through 4. Telecommunications providers electing to confirm PC Freeze

orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the PC Freeze request, including automatically recording the originating automatic numbering identification; or

(c) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in subsection (g)1. through 4. The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.

(7) A local exchange provider shall accept a subscriber's written and signed authorization to impose a PC Freeze on a preferred provider selection. A written authorization shall be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

(a) The subscriber's billing name and address and the telephone number(s) to be covered by the PC Freeze;

(b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze will be imposed.

(c) That the subscriber understands that to make a change in provider selection, the subscriber must lift the PC Freeze; and

(d) That there will be no charge to the subscriber for a PC Freeze.

(8) All local exchange providers shall, at a minimum, offer subscribers the following procedures for lifting a PC Freeze:

(a) Acceptance of a subscriber's written or electronically signed authorization;

(b) Acceptance of a subscriber's oral authorization along with a mechanism that allows the submitting provider to conduct a three-way conference call between the provider administering the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the subscriber's intent to lift a specific PC Freeze.

(9) A PC Freeze shall not prohibit a LP from changing wholesale services when serving the same end user.

Specific Authority 350.127, 364.603 FS. Law Implemented 364.603 FS. History–New

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) No change.

(2) ~~Each Six months after the effective date of this rule, each~~ billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.

(a) through (15)(g) No change.

(16) Companies that bill for local service must provide notification with the subscriber's first bill or via letter, and annually thereafter that a PC Freeze is available. Existing ~~"subscribers" or "end-users"~~ customers must be notified annually that a PC Freeze is available.

(17) through (18) No change.

(19)(a) ~~Upon Within one year of the effective date of this rule and upon~~ request from any customer, a billing party must restrict charges in its bills to only:

1. through (20) No change.

Specific Authority 350.127, 364.604(5) FS. Law Implemented 364.17, 350.113, 364.03, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 7-20-97, 12-28-98, 7-5-00, \_\_\_\_\_.

**PUBLIC SERVICE COMMISSION**

DOCKET NO.: Undocketed

RULE TITLES: Customer Relations; Rules Incorporated  
 Customer Relations; Rules Incorporated

RULE NOS.: 25-24.490  
 25-24.845

PURPOSE AND EFFECT: To codify the requirements that interexchange and alternative local exchange companies must release a subscriber's telephone number when the subscriber elects to switch providers and that a preferred carrier freeze may only be put on a subscriber's service when one is requested by the subscriber.

SUBJECT AREA TO BE ADDRESSED: Number Portability and Preferred Carrier Freezes.

SPECIFIC AUTHORITY: 350.127, 364.16(4), 364.337(2), 364.604(5) FS.

LAW IMPLEMENTED: 364.03, 364.14, 364.15, 364.16, 364.603, 364.19, 364.337, 364.602, 364.604 FS.

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

TIME AND DATE: 9:30 a.m., November 25, 2002

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida, Call-In No.: (850)488-5776

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets & Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.490 Customer Relations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to IXC's.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.083	Preferred Carrier Freeze	All
25-4.110	Customer Billing	Subsections 7, (14), (15), (17), (18), and (20)
25-4.111	Customer Complaint and Service Requests	All except Subsection (2)
25-4.112	Termination of Service by Customer	All
25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

(2) through (3) No change.

(4) Toll free number portability.

(a) The serving IXC shall facilitate porting of the subscriber's toll free telephone number (e.g., 800, 877, 888) upon request from the acquiring company.

(b) A toll free number shall be ported regardless if a balance is owed. An IXC shall not disconnect a subscriber's service upon receiving a service transfer request from another IXC.

(c) A number that has been disconnected shall be aged for a minimum period of 30 days before it is released for reassignment.

(d) Numbers that have been disconnected for a period of less than 30 days shall be ported upon request from another IXC.

Specific Authority 350.127(2), 364.604(5) FS. Law Implemented 364.03, 364.14, 364.15, 364.603, 364.19, 364.337 364.602, 364.604 FS. History—New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 7-20-98, 12-28-98, 7-5-00, \_\_\_\_\_.

25-24.845 Customer Relations; Rules Incorporated.

The following rules are incorporated herein by reference and apply to ALECs. In the following rules, the acronym 'LEC' should be omitted or interpreted as 'ALEC'.

SECTION	TITLE	PORTIONS APPLICABLE
25-4.082	Number Portability	All
25-4.083	Preferred Carrier Freeze	All
25-4.110	Customer Billing	Subsections (14), (15), (16), (17), (18), and (20)
24-4.118	Local, Local Toll, or Toll Provider Selection	All

Specific Authority 350.127(2), ~~364.16(4)~~, 364.337(2), 364.604(5) FS. Law Implemented 364.337(2), 364.602, 364.604, ~~364.16~~ FS. History—New 7-20-98, Amended 12-28-98, 7-5-00, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLES: Food Services – Definitions  
 Food Services – Standards of Operation

RULE NOS.: 33-204.002  
 33-204.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to simplify definitions used in conjunction with food services, to correct titles of food services personnel, to provide for the provision of food services by contract personnel, and to eliminate unnecessary language from the rules.

SUBJECT AREA TO BE ADDRESSED: Food services.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means the menu which is designed to be served at all facilities to provide uniformity in items served to each inmate. The master menu shall be planned under the direction of the department’s master menu committee. It should be certified nutritionally adequate as determined by a licensed registered dietitian employed by the department. ~~The master menu shall provide all Recommended Dietary Allowances or Dietary Reference Intakes as established by the Food and Nutrition Board of the National Academy of Sciences. The Recommended Dietary Allowances and Dietary Reference Intakes are incorporated by reference in Rule 33-204.003, F.A.C.~~

(2) “Therapeutic diet” means a diet that is prescribed for medical reasons and is designed to meet the requirements of a given medical condition. ~~Therapeutic diets are planned, prepared and served modifying the regular menus as little as needed in order to avoid unjustified budgetary and operational burdens while reasonably accommodating individual therapeutic and nutritional needs.~~ All menus for therapeutic diets shall be planned, analyzed and certified as to ~~for~~ nutritional adequacy by a licensed registered dietitian.

(3) No change.

(4) “Master Menu Committee” refers to the food services advisory group which consists of the Assistant Director of Field Support Services or his designee central office’s Bureau of Food Services staff as designated by the bureau chief, the central office public health nutrition program manager, the field food service coordinators, the central office food service managers, and the field public health nutrition consultants, the field support food service representatives and the central office food services administrator. ~~The Assistant Director of Field Support Services chief of food services~~ has the authority to invite other staff as necessary.

(5) “Facility” ~~“Centers”~~ refers to all Department of Corrections operated locations providing food services to offenders including references to institutions, work release centers, probation and restitution centers and drug treatment centers.

(6) “National Child Nutrition Program,” (NCNP), refers to the National School Breakfast Program and School Lunch Program through which reimbursement is received by the department for eligible breakfast and lunch meals. Eligible meals contain specifically required components as defined by the program for the purpose of meeting federal program minimal nutritional requirements. The Food and Nutrition Service, a subdivision of the United States Department of Agriculture, administers the programs ~~which have as their objective the provision of a healthful diet and nutrition in a manner that supports American agriculture and inspires public confidence,~~ pursuant to the Child Nutrition Act of 1966, 42 USC § 1773, and the Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. The department utilizes the programs to provide enhanced nutrition for qualified ~~and participating~~ inmates under the age of 21 at participating facilities. To qualify and participate, the inmate must be under the age of 21; and be housed in an NCNP designated dormitory housing, ~~and be located at a participating facility.~~

(7) No change.

(8) “Contract Manager” refers to the Assistant Director of Field Support Services.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, \_\_\_\_\_.

33-204.003 Food Services – Standards of Operation.

(1) General. Inmates in general population shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. ~~The warden, work release center major or the lieutenant in charge of a probation and restitution center or drug treatment center shall be allowed to authorize an altered meal schedule of two meals for approved holidays listed in the master menu manual, but both must be hot meals.~~ Holiday substitutions that deviate from the master menu must be approved in advance by the contract manager chief of food services. ~~An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and the beginning of the morning meal. Prescribed therapeutic diets shall be available to all inmates with a current diet prescription.~~

(2) Confinement.

(a) No change.

(b) Hot food serviced in satellite food operations shall be protected from contamination in transit and shall be served at no less than 110 degrees F. within 120 minutes from removal from 140 degrees F. or above ~~hot and cold food shall be served cold in accordance with the standards of the State Sanitary Code, Department of Health, Chapter 64E-11, F.A.C.~~

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

(e) All vegetables shall be prepared without meat, animal fat, meat-based broth, ~~or~~ margarine or butter ~~so~~ as to be suitable for religious and strict vegetarian diets.

(4) Sanitation.

(a) through (b) No change.

(c) The individual responsible for food service at the institution or facility shall be responsible for the following:

1. Writing instructions for the operation and cleaning of the physical plant, equipment and utensils. Instructions shall be in ~~A current copy of these instructions shall be forwarded to the regional food service coordinator for review to check for compliance with the State Sanitary Code, Department of Health Rule 64E-11.005, F.A.C.~~

2. through 3. No change.

(d) through (5) No change.

(6) Security. The chief of security shall write and post a plan and schedule for supervision of inmates during meals. The chief of security shall be responsible for enforcement of the written plan to ensure ~~for~~ control of inmates.

(7) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing utilizing the Diet Prescription/Order, Form DC4-728. A copy

of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is August 9, 2000. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by Bureau of Food Services shall be responsible for providing consultation to health and food service personnel regarding therapeutic diets.

(8) No change.

(9) National Child Nutrition Program.

(a) No change.

(b) The National Child Nutrition Program ~~youthful offender~~ master menu will be utilized to provide enhanced nutrition to program participants who are under the age of 21.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS., Child Nutrition Act of 1966, 42 USC § 1773, Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLES: Youthful Offenders – Definitions

RULE NOS.: 33-601.220

Youthful Offender Program Participation

33-601.226

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify definitions used in conjunction with the youthful offender program and the process for making requests for sentence modification.

SUBJECT AREA TO BE ADDRESSED: Youthful Offenders.

SPECIFIC AUTHORITY: 958.11 FS.

LAW IMPLEMENTED: 958.11, 958.12 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:

33-601.220 Youthful Offenders – Definitions.

(1) through (3) No change.

(4) Inmate Management Plan (IMP) – refers to the individualized plan developed for each inmate based upon information collected from various risk and needs assessments and other documents or reports that identify deficiencies ICT decisions. The plan establishes specific goals and performance objectives for meeting assessed needs in program, work and adjustment areas is used to make priority program or work placement recommendations, develop objectives and set timelines for accomplishments.

(5) Release Placement Management Plan – refers to a report prepared by the Office of Community Corrections field office staff outlining information relative to the inmate's proposed employment, residence, family ties or support system, financial resources and other resources available to the inmate upon release.

(6) No change.

(7) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, and chief of security and other necessary staff when appointed by the warden or designated by rule, which is responsible for making work, program, housing and inmate status classification decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(8) No change.

(9) Youthful Offender – where used herein, refers to any person who is sentenced as such by the court or is classified as such by the department pursuant to s. 958.04, F.S.

Specific Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History–New 3-13-01, Formerly 33-506.100, Amended \_\_\_\_\_.

33-601.226 Youthful Offender Program Participation.

(1) through (2) No change.

(3) Successful participation in all phases of the youthful offender extended day program and successful completion of the offender management plan and reclassification to minimum or community custody will result in an evaluation by the ICT to determine the inmate's eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in s. 958.04(2)(d), F.S. Requests for sentence modification will not be made before successful completion of the extended day program.

(a) After the youthful offender has successfully participated in the youthful offender program and completed the IMP as developed, a complete evaluation of the case shall be initiated. The evaluations shall include a review and summary of the following areas:

1. through 3. No change.

4. Work assignments which would assist the youthful offender in obtaining future employment;

5. through 9. No change.

(b) The evaluation of the youthful offender's eligibility for a recommendation for a modification of sentence shall be coordinated by the institutional classification staff and incorporated into a complete progress report assessment. The completed progress report assessment shall be reviewed and, once approved, signed by the ICT and a representative of the SCO.

(c) Prior to making a recommendation for sentence modification, the inmate's classification officer shall send a Victim Input Statement, Form DC1-701B, to the victim(s) or the victims' family for comments regarding the release of the inmate. Form DC1-701B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(d) Once the inmate has been approved by the ICT and the SCO for a recommendation for sentence modification, a request for initiation of a Youthful Offender's Release Placement Plan, Form DC6-121, shall be made to the community corrections office in the county where the inmate plans to reside. The community corrections office in the county where the inmate plans to reside shall complete the placement release plan and return it to the requesting institution. Form DC6-121 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(e) The sentence modification package shall include at a minimum the following:

1. The completed release placement plan that has been verified by community corrections field staff;

2. The completed victim input statement forms;

3. A progress report with justification for sentence modification;

4. An order of modification of sentence placing defendant on probation prepared by the classification officer for the judge's signature;

5. A completed Defendant's Waiver of Rights to Modify Sentence and Place Defendant on Probation, Form DC3-235. Form DC3-235 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(f) The completed sentence modification package shall be forwarded to the Bureau of Classification and Central Records for review by the central office screening committee.

~~(g)(e)~~ Upon the approval of the ICT and SCO, recommendation for sentence modification shall be forwarded to the Chief of the Bureau of Classification and Central Records for review by the central office screening committee who shall review the sentence modification request for completeness and shall make a written recommendation. ~~If approved by the central office screening committee, the recommendation will be forwarded to the Deputy Director of the Office of Institutions (classification) to approve or disapprove the request for review.~~

1. If the Deputy Director concurs with the recommendation for sentence modification, the Chief of the Bureau of Classification shall transmit a written request recommendation to the sentencing judge to consider modifying the inmate's sentence court for consideration.

2. If the Deputy Director does not concur with the recommendation for sentence modification, the Chief of Classification will notify the ICT at the facility where the inmate is housed. The ICT will notify the inmate of the decision.

~~(h)(4)~~ No change.

Specific Authority 958.11(1) FS. Law Implemented 958.11, 958.12 FS. History—New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Regulation of Wells  
 RULE CHAPTER NO.: 40D-3  
 RULE TITLE: Inspection  
 RULE NO.: 40D-3.461

PURPOSE AND EFFECT: The purpose of the proposed revisions is to exempt from the District's requirement that District staff observe the grouting, plugging or abandonment of all wells, those wells that are 2 inches or less in diameter, or 20 feet or less in depth. The effect of the proposed revisions will be to allow District staff to focus on higher risk activities through a reduction in the number of low-risk, labor intensive inspections.

SUBJECT AREA TO BE ADDRESSED: The inspection of water well plugging, grouting and abandonment activities by District staff.

SPECIFIC AUTHORITY: 373.044, 373.171, 373.309, 373.337, 373.308, 373.309, 373.319 FS.

LAW IMPLEMENTED: 373.308, 373.309, 373.319 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: Karen E. West, Deputy

General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.461 Inspection.

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

(5)(b) Plugging an abandoned well that is greater than 2 inches in diameter, or that is more than 20 feet in depth, ~~or~~

(5)(c) No change.

(6) For wells identified in (5) above, a ~~A~~ District representative must be on site to observe the grouting or plugging procedure, except for wells that are 2 inches or less in diameter, and wells that are 20 feet or less in depth. The District shall grant a variance to this requirement upon oral request at the time of the 24-hour notification by a contractor provided that:

(a) through (d) No change.

Specific Authority 373.044, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.319 FS. History—Readopted 10-5-74, Amended 8-9-77, 4-27-80, 11-8-82, Formerly 16J-3.12, Amended 7-1-90, 9-30-91, 12-31-92, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental  
 RULE CHAPTER NO.: Resource Permits 40D-4  
 RULE TITLE: Formal Determination of Wetlands and  
 RULE NO.: Other Surface Waters 40D-4.042

PURPOSE AND EFFECT: This proposed rulemaking will amend Rule 40D-4.042, Florida Administrative Code (F.A.C.), to provide that a petitioner requesting a formal determination of wetlands and other surface waters may publish notice of the intended agency action in accordance with Rule 40D-1.1010, F.A.C. The amendment will make the administrative process for noticing petitions for formal wetland determinations consistent with the processes for noticing water use and environmental resource permit applications.

SUBJECT AREA TO BE ADDRESSED: Subsection 40D-4.042(3), F.A.C., which addresses a notice of agency action on petitions for formal determination of wetlands and other surface waters.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.421(2) FS.

LAW IMPLEMENTED: 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.042 Formal Determination of Wetlands and Other Surface Waters.

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

(3)(a) Within 30 days of receipt of a petition for a formal determination, the District shall notify the petitioner of any additional information which may be necessary to complete review of the petition. The District shall complete the determination and shall issue a notice of ~~intended~~ agency action within 90 days after the petition is deemed complete. ~~The petitioner may District shall~~ publish the notice of ~~intended~~ agency action on the petition in a newspaper of general circulation in the county or counties where the property is located in accordance with Rule 40D-1.1010, F.A.C.

(b) The provisions of Sections 120.57 and 120.569, F.S., apply to formal determinations made pursuant to this section. Any person whose substantial interests will be affected by the District's proposed action on the petition may request an administrative hearing on the proposed action. ~~If no request for an administrative hearing is filed, the District will then take final action on the petition for the formal determination.~~

(4) through (8) No change.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History--New 10-3-95, Amended 7-2-98, 2-14-00, 5-28-00, 7-29-02,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental  
Resource Permits

RULE CHAPTER NO.:

40D-4

RULE TITLE: Publications and Agreements Incorporated  
by Reference

RULE NO.:

40D-4.091

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate by reference revisions to the Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-binding Review of Disputed Environmental Resource Permitting Exemption Claims under Section 373.406(2), Florida Statutes, dated September 20, 2000, (MOU). Currently, paragraph 2 of the MOU provides that, upon receipt of the FDACS non-binding opinion, District staff will prepare a written recommendation for action to be considered by the Governing Board at its next meeting for which proper notice

can be provided. Compliance with this requirement is not always practical or advisable. The effect of the proposed revision to the MOU will provide for a written recommendation to the Governing Board only where authorization for a Consent Order or litigation is being requested by District Staff.

SUBJECT AREA TO BE ADDRESSED: The incorporation by reference of revisions to the Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-binding Review of Disputed Environmental Resource Permitting Exemption Claims under 373.406(2), Florida Statutes, dated September 20, 2000.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (3) No change.

(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-Binding Review of Disputed Environmental Resource Permitting Exemption Claims Under Section 373.406(2), Florida Statutes, dated \_\_\_\_\_ ~~September 20, 2000~~. This document is available from the District upon request.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History--New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-99, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 9-26-02,\_\_\_\_\_.





information from state workers' compensation records and law firms which use such information to market their services may be affected.

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

SPECIFIC AUTHORITY: 440.185(10), 440.591 FS.

LAW IMPLEMENTED: 440.125, 440.185(11) FS.

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

TIME AND DATE: 1:30 p.m., December 3, 2002

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

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

Pursuant to §120.54(2)(c), F.S., the Department explains that a workshop is unnecessary because of the urgent need for the clarity that the rule provides, and the fact that the public hearing will provide ample opportunity for public comment on the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Davis, Division of Workers' Compensation, Office of Data Quality & Collection, 200 East Gaines Street, Tallahassee, FL 32399-4228, (850)922-4480

THE FULL TEXT OF THE PROPOSED RULE IS:

4L-6.022 Confidentiality of Records Produced by the Division.

(1) Section 440.185(11), Florida Statutes, provides that any information in a report of injury or illness filed with the Division pursuant to Section 440.185, Florida Statutes, that would identify an ill or injured employee is confidential and exempt from the provisions of Section 119.07(1), Florida Statutes and Section 24(a), Article I of the Constitution of the State of Florida. Section 440.125, Florida Statutes, provides in part that any information identifying an injured employee in medical bills which are provided to the Division pursuant to Section 440.13, Florida Statutes, is confidential and exempt from the provisions of Section 119.07(1), Florida Statutes and Section 24(a), Article I of the Constitution of the State of Florida.

(2) For purposes of maintaining the confidentiality of information as required pursuant to Sections 440.125 and 440.185(11), Florida Statutes, the following constitutes information that would identify an ill or injured employee: the ill or injured employee's

(a) Name or signature;

(b) Social security number;

(c) Business, residence, and mailing addresses; and

(d) Residence and business telephone number.

(3) In the Division's response to a public records request, information that would identify an ill or injured employee will be redacted from any report of injury or illness filed with the Division pursuant to Section 440.185, Florida Statutes, and from any medical bill provided to the Division pursuant to Section 440.13, Florida Statutes, unless the employee that would be identified in such records waives the confidentiality provisions of Sections 440.125 or 440.185(11), Florida Statutes, and consents to the production of confidential information or records through submission to the Division of a completed Form DI4-1545 (DWC) (Rev. 9/02) Consent And Waiver For Release of Confidential Records, which is hereby adopted and incorporated herein by reference.

Specific Authority 440.185(10), 440.591 FS. Law Implemented 440.125, 440.185(11) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Division of Workers' Compensation, Office of Data Quality & Collection, 200 East Gaines Street, Tallahassee, FL 32399-4228, (850)922-4480

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director, Division on Workers' Compensation, Department of Insurance  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Special District Information Program  
RULE CHAPTER NO.: 9B-50

RULE TITLES: Fee Schedule and Annual Invoicing  
RULE NOS.:

and Data Updating 9B-50.003

Updating of the Special District Database 9B-50.004

PURPOSE AND EFFECT: Revise the invoicing and annual updating processes to provide that they shall be carried out at the same time; provide that each special district in noncompliance with its fee requirements may be reported to the Office of the Comptroller for further action.

SUMMARY: Streamlines invoicing and database updating procedures, provides a process for collecting delinquent annual fees.

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: 189.425 FS.

LAW IMPLEMENTED: 189.4035, 189.412, 189.427 FS.

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

TIME AND DATE: 10:00 a.m., December 10, 2002

PLACE: Department of Community Affairs, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Jack Gaskins Jr., Operations and Management Consultant II, Division of Housing and Community Development, Special District Information Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; (850)922-1457, SUNCOM 292-1457, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jack Gaskins Jr., 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1457, SUNCOM 292-1457

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-50.003 Fee Schedule and Annual Invoicing and Data Updating.

(1) On or about October 1 of each year, and at least 60 days prior to the due date, ~~t~~The Department shall ~~annually, at least 60 days prior to the due date,~~ send the Special District Fee Invoice and Update Form DCA-SDIP-001, 3-1-2003 Fee Assessment Form DCA-SDIP-002, 3-17-99 (hereby incorporated by reference and available from the Special District Information Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100) by regular mail to the registered agent of each special district registered with the Special District Information Program. For newly created special districts, the Department shall send the Special District Fee Invoice and Update Form Fee Assessment Form by regular mail to the registered agent of the special district, or an appropriate contact person if a registered agent has not yet been appointed, at the time of registering the special district with the Special District Information Program. ~~The failure of a special district to receive the Fee Assessment Form from the Department shall not excuse the special district from its obligation to comply with the fee schedule.~~

(2) By the due date on the Special District Fee Invoice and Update Form Fee Assessment Form, each registered agent special district shall make any necessary changes to the information on the form about the special district and comply with the fee schedule by signing, dating, and returning the upper lower portion of the Special District Fee Invoice and Update Form Fee Assessment Form to the Department along with the appropriate fee as follows:

(a) \$150.00 from new independent and dependent special districts created between October 1 and December 31 of the fiscal year billing period.

(b) \$125.00 from new independent and dependent special districts created between January 1 and March 31 of the fiscal year billing period.

(c) \$100.00 from new independent and dependent special districts created between April 1 and June 30 of the fiscal year billing period.

(d) \$75.00 from new independent and dependent special districts created between July 1 and September 30 of the fiscal year billing period.

(e) Zero annual fee from any independent or dependent special district that meets all of the following conditions:

1. The special district is in compliance with its Annual Financial Reporting Requirements to the Department of Banking and Finance;

2. The special district reported \$3,000.00 or less in revenues to the Department of Banking and Finance on its Annual Financial Report for the most recent fiscal year in which complete annual data is available from the Department of Banking and Finance, or as a newly created special district, has attached a current income statement verifying \$3,000.00 or less in revenues for the current fiscal year;

3. The special district is not a component unit of a general purpose local government as defined in the Governmental Accounting Standards Board's Statement No. 14, issued in June 1991, effective after December 15, 1992, as amended; and

4. The special district's registered agent has fully completed the certification section on the Special District Fee Invoice and Update Form Fee Assessment Form certifying the special district meets the conditions for a zero annual fee, and has returned the Special District Fee Invoice and Update Form Fee Assessment Form to the Department by the due date.

(f) \$175.00 from all other independent and dependent special districts.

(3) The Department shall verify the conditions for a zero annual fee within 30 days of receiving the completed certification section on the Special District Fee Invoice and Update Form Fee Assessment Form. If the Department determines that a special district did not meet any condition in paragraph (e) of Rule 9B-50.003(2)(e), F.A.C., the Department shall notify the registered agent of the special district, and the special district shall be responsible for paying the appropriate fee when invoiced by the Department.

(4) If a special district fails to comply with the fee schedule requirements by the due date set forth on the Special District Fee Invoice and Update Form ~~Fee Assessment Form~~, the special district shall be subject to fining within the limits set by statute ~~Department shall assess a fine of an additional \$25.00, the total fee and fine being due within 30 days of the invoice date. If upon second notice, a special district again fails to remit the required annual fee to the Department by the due date, the Department shall assess a fine of an additional \$25.00, the total fee and fines being due within 30 days.~~ The Department shall, at least 30 days prior to the due date, send any late fee invoice by regular mail to the registered agent of the special district. The Department shall use the post-marked date as a determination of whether ~~or not~~ a special district complies with the fee schedule by the due date. The Department shall report each special district in noncompliance with its fee requirements to the Office of the Comptroller for further action.

PROPOSED EFFECTIVE DATE IS MARCH 1, 2003.

Specific Authority 189.425 FS. Law Implemented 189.427 FS. History--New 5-1-90, Amended 3-14-91, 12-3-91, 8-10-97, 3-17-99, 3-1-03.

9B-50.004 ~~Annual~~ Updating of the Special District Database.

The Department shall use any updated data from each returned Special District Fee Invoice and Update Form to help ensure that its database remains up-to-date for the purpose of meeting its responsibilities associated with the Official List of Special Districts.

~~(1) By June 1 of each year, and at least 30 days prior to the due date, the Department shall send the Special District Update Form, DCA-SDIP-001, Effective 3-17-99, (hereby incorporated by reference and available from the Special District Information Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100) by regular mail to the registered agent of each special district registered with the Special District Information Program.~~

~~(2) On or before July 1 of each year, each special district shall fully complete and return to the Department the Special District Update Form. The Department shall use this form to update its database in preparation for the annual updating and distribution of the Official List of Special Districts.~~

PROPOSED EFFECTIVE DATE IS MARCH 1, 2003.

Specific Authority 189.425 FS. Law Implemented 189.4035, 189.412 FS. History--New 5-1-90, Amended 8-10-97, 3-17-99, 3-1-03.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack Gaskins, Jr., Division of Housing and Community Development, Special District Information Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-3581, SUNCOM 298-3581

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Zeigler, Division of Housing and Community Development, Housing Assistance, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-3581, SUNCOM 298-3581

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

**DEPARTMENT OF TRANSPORTATION**

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

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

Rate Schedule

PURPOSE AND EFFECT: The purpose of this rulemaking is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of an interchange on Florida's Turnpike at State Road 710/Northlake Boulevard in Palm Beach County. This new interchange will be located on the Ticket System, approximately 6.6 miles north of the existing Okeechobee Boulevard interchange and approximately 2.4 miles south of the existing PGA Boulevard interchange.

SUMMARY: The proposed action is being taken to determine the Toll Rate Schedule resulting from the Florida Department of Transportation's construction of an interchange at SR 710/Northlake Boulevard and Florida's Turnpike. The Toll Rate Public Hearing is being held in conjunction with the Design Public Hearing for the SR 710/Northlake Boulevard interchange project, Financial Project ID 232074-1. The required Toll Rate Rule Development Workshop was held on November 29, 2000.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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

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

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

TIMES AND DATE: Informal Open House: 6:00 p.m, Formal Hearing: 7:00 p.m., Thursday, September 26, 2002

PLACE: Palm Beach Gardens Community High School, 4245 Holly Drive, Palm Beach Gardens, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: James Ely, Executive Director, Florida's Turnpike Enterprise  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Morefield, Assistant Secretary for Transportation Policy, for Thomas F. Barry, Jr., P.E., Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2000, with Notice of Rescheduled Workshop published November 3, 2000

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Logo Sign Program  
 RULE CHAPTER NO.: 14-85  
 RULE TITLE: Logo Sign Program  
 RULE NO.: 14-85.004

PURPOSE AND EFFECT: The proposed amendment to Sections (11)(c)6., (11)(e), and (12)(a) is needed to streamline the renewal process and to more closely follow standard business practice. There also is a clarification to eliminate a conflict with another section in the rule.

SUMMARY: Sections (11)(c)6., (11)(e), and (12)(a) are being amended to streamline the renewal process and to more closely follow standard business practice.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(28), 479.261 FS.

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

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

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., December 16, 2002

PLACE: Department of Transportation, 605 Suwannee Street, Suwannee Room (Room 250), Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-85.004 Logo Sign Program.

(1) through (10) No change.

(11) Permitting.

(a) through (b) No change.

(c) Initial Permit Application. A business applying for a business logo sign must submit a completed Logo Application/Annual Permit Renewal, Form Number FLI-163, Rev. 09/01, incorporated herein by reference, to the address specified on the form. The Logo Application/Annual Permit Renewal, Form Number FLI-163, Rev. 09/01, may be obtained from the Program Administrator.

1. Completed applications will be approved or denied within 90 days of receipt. A written notice of the approval or denial will be furnished to the applicant.

2. Permit fees must be received by the Program Administrator within 30 days of the notification of permit approval.

3. After notification of approval of the application, the applicant shall be responsible for providing the Program Administrator with a business logo sign which meets the specifications provided herein.

4. The business logo sign will be affixed to the display panel by the Department or its agent within 30 days of receipt of the sign or the permit fee, whichever is later.

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator shall review the application for distance pursuant to paragraph (10)(b)

above, and for operating hours pursuant to paragraph (10)(e)4., and will place the business on a waiting list in the order of the dates on which they were received. A notice will be provided to the business indicating its position on the waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

6. For gas, food, and lodging ~~at~~ categories only, applications received for businesses within three miles of an interchange have priority over businesses that are within three to six miles of an interchange.

(d) No change.

(e) Annual Permit Renewal.

1. On or before November 1 of each year, the Program Administrator will provide a Notice of Annual Permit Renewal to each holder of a valid permit. Failure to receive the Notice will not excuse timely submission of the permit renewal application by the permit holder.

2. Each permit holder must submit a completed Logo Application/Annual Permit Renewal, form number FLI-163, Rev. 09/01, to the Program Administrator by fax, mail, or hand delivery no later than December 1. The Annual Permit Renewal must be postmarked no later than December 1. If the application is mailed or faxed it must be received no later than 5:00 p.m. on December 1. If the application is hand delivered it must arrive and be date and time stamped by the Program Administrator no later than 5:00 p.m. on December 1.

3. The ~~annual~~ permit fee amount must be received and be date and time stamped by the Program Administrator no later than 5:00 p.m. on December 1, submitted with the Annual Permit Renewal.

4. If the completed application and permit fee are not received by the Program Administrator Failure to submit the Annual Permit Renewal by 5:00 p.m. on December 1, will result in expiration of the permit will expire and removal of the business logo sign will be removed from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

(12) Denial, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if:

1. Space is not available;

2. The business does not meet the eligibility requirements;

or

3. A completed Logo Application/Annual Permit Renewal, form FLI-163, Rev. 09/01, and applicable permit The required fees are not received by the Program Administrator by 5:00 p.m. on December 1 submitted with the application.

(b) through (f) No change.

(13) No change.

Specific Authority 334.044(2) FS. Law Implemented 334.044(28), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, Amended 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Roger Eudy, Administrator, State Logo Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Morefield, Assistant Secretary for Transportation Policy, for Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

RULE TITLE: Forms and Instructions  
RULE NO.: 40D-1.659

PURPOSE AND EFFECT: This proposed rulemaking corrects the rule reference in Section H, Part 2 of the Environmental Resource Permit Application, an application form incorporated by reference into Rule 40D-1.659, F.A.C.

SUMMARY: Section H of the Environmental Resource Permit Application contains a reference to the exemption for normal and necessary farming and forestry operations previously found in subsection 40D-4.051(7), Florida Administrative Code (F.A.C.). Several of the District's exemptions from obtaining an Environmental Resource Permit (ERP) were invalidated by an Administrative Law Judge and subsequently removed from Rule 40D-4.051, F.A.C. As a result, the exemption for normal and necessary farming and forestry operations has been renumbered as subsection 40D-4.051(3), F.A.C. Also, to conform with recent rule amendments to make references to general permits consistent, this proposed rulemaking will delete the term "standard" from references in the form to a General ERP for Minor Surface Water Systems.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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



additional information and the additional time is required. The District may, within 30 days after receiving information from the applicant, request only clarifications of the information or request answers to new questions raised or directly related to the information previously furnished. ~~Denial of an application for lack of completeness is without prejudice to the applicant's right to file a new application on the same subject matter.~~

Specific Authority 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS. Law Implemented 120.54(5), 120.60, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 FS. History—New 7-2-98, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 25, 2002

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Consumptive Use of Water	40D-2
RULE TITLE:	RULE NO.:
Exemptions	40D-2.051

PURPOSE AND EFFECT: Delete an obsolete exemption from the District's water use permitting rules.

SUMMARY: Rule 40D-2.051(1)(c), Florida Administrative Code (F.A.C.), exempts from water use permitting "certified uses defined in Chapter 62-23 entitled Industrial Siting." While there used to be an Industrial Waste Siting Act, it has been repealed and there is no Chapter 62-23 in the Florida Administrative Code. Therefore, the exemption contained in Rule 40D-2.051(1)(c), F.A.C., is obsolete. The proposed rulemaking will delete this obsolete exemption.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-2.051, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.219, 373.223, 373.224, 373.226 FS., Ch. 76-243, Laws of Florida.

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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.051 Exemptions.

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

~~(c) Those certified uses defined in Chapter 62-23 entitled Industrial Siting effective January 3, 1980.~~

(d) through (f) renumbered (c) through (e) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS., Ch. 76-243, Laws of Florida. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(3), Amended 10-1-89, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 25, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE:	RULE NO.:
Advanced Registered Nurse Practitioner Services	59G-4.010

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 2002 and April 2002. The handbook includes the updated fee schedule. The effect will be to incorporate by reference in the rule the current Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 2002 and April 2002.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 2002 and April 2002. The Handbook revisions include



an updated fee schedule effective for the months of January through March 2002 and another updated fee schedule beginning April 1, 2002.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

DATE AND TIME: 9:00 a.m., December 4, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinda McClellan, Agency for Health Care Administration, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7324

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.010 Advanced Registered Nurse Practitioner Services.

(1) No change.

(2) All advanced registered nurse practitioner services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~ which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 12-21-80, Formerly 10C-7.52, Amended 8-18-92, Formerly 10C-7.052, Amended 8-22-96, 3-11-98, 10-13-98, 6-8-99, 4-23-00, 8-5-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Belinda McClellan

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services  
 RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2002. Appendix A of the handbook contains the 2002 procedure codes and payment groups in effect for dates of service beginning on January 1, 2002. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUMMARY: The proposed rule incorporates by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 1, 2002. The handbook update consists of covered code and payment group revisions to Appendix A, Ambulatory Surgical Center Procedure Codes and Groups, routinely updated every year. The revised code list is effective for dates of service beginning on January 1, 2002.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., December 2, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Program Development Office, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2002 ~~2001~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement

Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ouida Mazzoccoli

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Birth Center Services RULE NO.: 59G-4.030

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2002.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2002. The Handbook revision includes an updated fee schedule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 383.335, 409.906, 409.908, 409.9081 FS.

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

DATE AND TIME: 9:00 a.m., December 4, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinda McClellan, Agency for Health Care Administration, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7324

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.030 Birth Center Services.

(1) No changes.

(2) All birth center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2002, ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 383.335, 409.906, 409.908, 409.9081 FS. History—New 4-18-85, Formerly 10C-7.0532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 8-5-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Belinda McClellan

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Dental Services RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Dental Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Dental Coverage and Limitations Handbook, January 2002 and April 2002.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Dental Coverage and Limitations Handbook, January 2002 and April 2002 and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, February 2001. The Handbook revisions include an updated fee schedule effective for the months of January through March 2002 and another updated fee schedule beginning April 1, 2002.

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

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.906, 409.908 FS.

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

**DATE AND TIME:** 9:00 a.m., December 4, 2002

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Millard Howard, Agency for Health Care Administration, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, and Florida Medicaid Provider Reimbursement Handbook, Dental 111, February 2001, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. All three handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 7-5-01, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Millard Howard

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Rhonda M. Medows, MD.

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 17, 2002

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** June 21, 2002

## **AGENCY FOR HEALTH CARE ADMINISTRATION**

### **Medicaid**

**RULE TITLE:** Outpatient Hospital Services

**RULE NO.:** 59G-4.160

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Hospital Coverage and Limitations Handbook, January 2002. The handbook contains the 2002 outpatient hospital laboratory and pathology codes and fee schedule. The effect will be to incorporate in the rule the current Florida Medicaid Hospital Coverage and Limitations Handbook.

**SUMMARY:** The proposed rule incorporates by reference the Florida Medicaid Hospital Coverage and Limitations Handbook, January 2002. The handbook update consists of code and fee revisions to Appendix C, Laboratory and Pathology Codes and Fee Schedule, routinely updated every year in January. The revised code list is effective for dates of service beginning on January 1, 2002.

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

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.905, 409.908, 409.9081 FS.

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

**TIME AND DATE:** 10:00 a.m. – 11:00 a.m., December 2, 2002

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Health Systems Development Office, 2728 Fort Knox Boulevard, Building 3, Tallahassee, FL 32308, (850)922-7351

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Coverage and Limitations Handbook, January 2002 ~~2001~~, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, October 1998, both incorporated by reference in this rule. Both handbooks are available from the fiscal agent contractor.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ouida Mazzoccoli

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 26, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Physician Services

RULE NO.: 59G-4.230

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Coverage and Limitations Handbook, January 2002 and April 2002.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Physician Coverage and Limitations Handbook, January 2002 and April 2002. The Handbook revisions include an updated fee schedule effective January through March 2002 and another updated fee schedule beginning April 1, 2002.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

DATE AND TIME: 9:00 a.m., December 4, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.38, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-05-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lynne Metz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Physician Assistant Services

RULE NO.: 59G-4.231

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 2002 and April 2002.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 2002 and April 2002. The Handbook revisions include an updated fee schedule effective for the months of January through March 2002 and another updated fee schedule beginning April 1, 2002.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

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

DATE AND TIME: 9:00 a.m., December 4, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinda McClellan, Agency for Health Care Administration, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7324

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.231 Physician Assistant Services.

(1) No change.

(2) All physician assistant providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 8-21-95, Amended 5-28-96, 3-11-98, 10-13-98, 8-9-99, 4-23-00, 8-5-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Belinda McClellan

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: RULE NO.:

Guidelines for the Disposition of 61G14-17.004  
 Disciplinary Cases

PURPOSE AND EFFECT: To supply additional violations of the practice act and the corresponding sanctions.

SUMMARY: The Board proposes new violations of the practice act that include forms of fraud and other infractions, as well as the sanctions on a licensee who has been found guilty of those violations.

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: 310.101, 310.185, 455.2273 FS.

LAW IMPLEMENTED: 455.2273 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-17.004 Guidelines for the Disposition of Disciplinary Cases.

(1) No change.

(2) Guidelines for the imposition of sanctions for those guilty of acts or omissions proscribed by Chapters 310 or 455, F.S. (“piloting offenses”) are set forth below, as follows: In order to be considered a second or subsequent piloting offense, the then current piloting offense must follow a previous finding of guilt of an offense for which an equal, or more severe, sanction is authorized.

(a) If the offense is:

1. through 9. No change.

10. Making misleading, deceptive, or fraudulent representations in or related to the practice of the piloting profession; or

11. Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee; or

12. Failing to report to the department any person who the licensee knows is in violation of Chapters 455 or 310, F.S., or the rules of the department or the board; or

13. Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to Chapters 455 or 310, F.S., or the rules of the department or the board; or

14. Making deceptive, untrue, or fraudulent representations in or related to the practice of the profession or employing a trick or scheme in or related to the practice of the profession; or

15. Violating any provision of Chapters 455 or 310, F.S., or the rules of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department; or

16. Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

~~the~~ The following sanctions shall apply:

a. through (b)1. No change.

2. Failure to maintain a valid United States Coast Guard first-class unlimited pilot's license covering the waters of the port in which the state pilot's license was issued; ~~or;~~

3. In any jurisdiction, being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime, (other than one hereafter described in (e)), which relates to the practice of, or the ability to practice, the piloting profession.

(c) through (d) No change.

(e) If the offense is:

1. Regardless of adjudication, having ever been found guilty of, or pled guilty or nolo contendere to (i) a charge which was a felony or first degree misdemeanor which directly related to the navigation or operation of a vessel or (ii) a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as defined by Chapter 893, F.S., or an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, such controlled substance; or

2. Attempting to obtain, obtaining, or renewing a license or certificate to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

the sanction shall be class 1.

(3) through (4) No change.

(5)(a) In addition to any other discipline imposed, the board may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.

(b) In any case where the board imposes a fine or assessment and the fine or assessment is not paid within the time prescribed in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collect of, or bring a civil action to recover, the fine or assessment.

Specific Authority 310.101, 310.185, 455.2273 FS. Law Implemented 310.202, 455.227, 455.2273 FS. History—New 2-11-87, Formerly 21SS-7.005, 21SS-17.004, Amended 9-27-94, 5-1-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLES:

RULE NOS.:

Independence

61H1-21.001

Conflicts of Interest

61H1-21.004

PURPOSE AND EFFECT: Rule 61H1-21.001, F.A.C., is being amended to clarify the requirements for independence within public accountancy. Rule 61H1-21.004, F.A.C., is being proposed to clarify how to handle conflict of interest issues in public accounting.

SUMMARY: Rule 61H1-21.001, F.A.C., delineates the standards against which a licensee's independence or lack thereof is to be judged, and incorporates the document created by the Board entitled "Standards for Determining Independence in the Practice of Public Accountancy for CPAs Practicing Public Accountancy in the State of Florida". Rule 61H1-21.004, F.A.C., sets out how to handle conflict of issue areas in public accountancy and reminds licensees that some public accountancy requires independence.

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: 473.304, 473.316, 473.319, 473.3205 FS.

LAW IMPLEMENTED: 473.316, 473.319, 473.3205 FS.

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

TIME AND DATE: 9:30 a.m., December 6, 2002

PLACE: Hilton Westshore, 2225 North Lois Avenue, Tampa, FL 33607-2355, phone (866)597-9330

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-21.001 Independence.

(1) A licensee shall not express an opinion on financial statements of an enterprise or on the reliability of an assertion by one party for use by another (third) party unless the CPA and the CPA's firm are independent with respect to such enterprise or the party making the assertion. A licensee shall not express an opinion on financial statements of an enterprise or on the reliability of an assertion by one party for use by

another (third) party unless he and his firm are independent with respect to such enterprise or the party making the assertion. Independence will be considered to be impaired if, for example:

(a) During the period of his engagement, or at the time of expressing his opinion, he or his firm:

1. Had or was committed to acquire any direct financial interest or material indirect financial interest in the enterprise; or

2. Had any joint closely held business investment with the enterprise or any officer, director or principal stockholder thereof which was material in relation to his or his firm's net worth; or

3. Had any loan to or from the enterprise or any officer, director or principal stockholder thereof. This latter proscription does not apply to the following loans from a financial institution when made under normal lending procedures, terms and requirements:

a. Loans obtained by a certified public accountant or his firm which are not material in relation to the net worth of such borrower.

b. Home mortgages.

e. Other secured loans, except loans guaranteed by a certified public accountant's firm which are otherwise unsecured.

(b) During the period covered by the financial statements, during the period of the engagement, or at the time of expressing an opinion, he or his firm:

1. Was connected with the enterprise as a promoter, underwriter or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or

2. Was a trustee of any trust or executor or administrator of any estate if such trust or estate had a direct or material indirect financial interest in the enterprise; or was a trustee for any pension or profit-sharing trust of the enterprise.

(c) The above examples are not intended to be all-inclusive.

(2) In order to delineate the standards against which a licensee's independence or lack thereof is to be judged, the Board has created a document entitled "Standards for Determining Independence in the Practice of Public Accountancy for CPAs Practicing Public Accountancy in the State of Florida" (effective 1-1-2003) (hereinafter "Standards for Independence") which document is hereby incorporated by reference in this Rule. The standards contained in the "Standards for Independence" are similar to those contained in the Code of Professional Conduct promulgated by the American Institute of Certified Public Accountants.

(3) In order to be considered independent a licensee must comply with the requirements set out in the "Standards for Independence" and the requirements of this rule.

(4)(2) Honorary directorships and trusteeships. Licensees Certified public accountants are often asked to lend the prestige of their names to not-for-profit organizations that limit their activities to those of a charitable, religious, civic or similar nature by being named as a director or trustee. A licensee certified public accountant who permits the licensee's his name to be used in this manner and who is associated with the financial statements of the organization would not be considered lacking in independence so long as (a) the licensee's his position is purely honorary, (b) it is identified as honorary on all letterheads and externally circulated materials in which the licensee he is named as a director or trustee, (c) the licensee he restricts the licensee's his participation to the use of the licensee's his name, and (d) the licensee he does not vote or otherwise participate in management functions. Such organizations to which licensees certified public accountants lend only the prestige of their names shall have sufficiently large membership on their boards of directors or trustees to clearly permit the licensee certified public accountant to limit the licensee's his participation consistent with the foregoing restriction.

(5)(3) Retired Partners and Firm Independence. A retired partner or former shareholder or the equivalent of a firm having a relationship of a type specified in Paragraph (1) of the "Standards for Independence" Rule 61H1-21.001(1) with a client of the licensee's his former firm would not be considered as impairing the firm's independence with respect to the client provided that he is no longer active in the firm, that the fees received from such client do not have a material effect on the retired partner or former shareholder or the equivalent's his retirement benefits and that the retired partner or former shareholder or the equivalent he is not held out as being associated with the retired partner or former shareholders or the equivalent's his former partnership or corporation.

(6)(4) Accounting Services. A licensee certified public accountant performing public accounting services for an audit or review client must meet the following requirements to retain the appearance that the licensee he is not virtually an employee and therefore lacking independence in the eyes of a reasonable observer.

(a) The licensee certified public accountant must not have any relationships with the client or any conflict of interest which would impair the licensee's his integrity and objectivity as defined by Rule 61H1-21.002.

(b) The licensee certified public accountant shall discuss accounting matters with the client to be sure that the client accepts responsibility for the financial statements as the client's his own.

(c) The licensee certified public accountant must not assume the role of employee or of management conducting the operations of an enterprise. For example, the licensee certified public accountant shall not consummate transactions, have custody of assets or exercise authority on behalf of the client.

The client must prepare the source documents on all transactions in sufficient detail to identify clearly the nature and amount of such transactions and maintain an accounting control over data processed by the licensee certified public accountant such as control totals and document counts. The licensee certified public accountant should not make changes in such basic data without the concurrence of the client.

(5) ~~Effect of Family Relationships on Independence.~~ Certified public accountants must be aware that it is impossible to enumerate all circumstances where the appearance of independence might be questioned by third parties because of family relationships. In situations involving the assessment of relationships with both close and remote kin, certified public accountants must consider whether geographical proximity, strength of personal and other business relationships and other factors — when viewed together with financial interest in question — would lead a reasonable observer to conclude that the specified relationships pose an unacceptable threat to the certified public accountant's objectivity and appearance of independence. Rule 61H1-21.001(1) proscribes relationships which impair a licensee's independence through direct financial interests, material indirect financial interests, or other involvements. Relationships which arise through family bloodlines and marriage give rise to circumstances that may impair a certified public accountant's independence.

(a) ~~Financial and business relationships ascribed to the certified public accountant. The financial or business relationships of a certified public accountant's spouse, dependent children or other relative living in a common household or supported by the certified public accountant, shall be ascribed to the certified public accountant and the accountant's independence shall be considered impaired if such ascribed interests or relationships are among those enumerated in subsection (1):~~

(b) ~~Financial and business relationships that may be ascribed to the certified public accountant. Close Kin.~~

1. ~~A presumption that the appearance of independence is impaired arises from a significant financial interest, investment, or business relationship by the following close kin in a certified public accountant's client: Non-dependent children, brothers and sisters, grandparents, parents, parents-in-law, and the respective spouses of any of the foregoing.~~

2. ~~If the close kin's financial interest in a certified public accountant's client is material in relationship to the kin's net worth, the certified public accountant's objectivity is impaired with respect to the client since the kinship is so close. In addition, financial interest held by close kin may result in an indirect financial interest being ascribed to the certified public accountant.~~

3. ~~The presumption that the appearance of independence is impaired would also prevail where a close kin has an important role or responsible executive position (e.g., director, chief executive or financial officer) with a client.~~

4. ~~Geographical separation from the kin and infrequent contact may mitigate such impairment except with respect to:~~

a. ~~a partner shareholder or staff member working on the engagement or located in the office responsible for the engagement;~~

b. ~~a partner or shareholder who maintained a close personal relationship with partners or shareholders working on the engagement; or~~

c. ~~a partner or shareholder who, as a result of his administrative or advisory positions, is involved in the engagement.~~

5. ~~If a certified public accountant does not or could not reasonably be expected to have knowledge of the financial interests, investments and business relationships of his close kin, such lack of knowledge would preclude an impairment of objectivity and appearance of independence.~~

(c) ~~Financial and business relationships that are not normally ascribed to the licensee. Remote Kin:~~

1. ~~A presumption that the appearance of independence is impaired would not normally arise from the financial interest and business relationships of remote kin: uncles, aunts, cousins, nephews, nieces, other in-laws, and other kin who are not close.~~

2. ~~The financial interest and business relationships of these remote kin are not considered either direct or indirect interests ascribed to the certified public accountant. However, the presumption of no impairment with remote kin would be negated if other factors indicating a closeness exists, such as living in the same household with the certified public accountant, having financial ties, or jointly participating in other business enterprises.~~

(7)(6) ~~A licensee's independence will be considered impaired for a period of three years commencing with the date of any judgment in civil suit brought by a client and ending three years after settlement of said judgment and if no judgment is entered then three years after settlement of a civil suit brought by a client if the facts in the situation would lead a reasonable observer to conclude that any adverse judgment or settlement of a civil suit would constitute a threat to the licensee's objectivity or appearance of independence.~~

(7) ~~Meaning of the term "Normal Lending Procedures, Terms and Requirements." Rule 61H1-21.001(1)(a)3. prohibits loans to a certified public accountant from his client except for certain specified kinds of loans from a client financial institution when made under "normal lending procedures, terms and requirements." The certified public accountant would meet the criteria prescribed by this rule if the procedures, terms and requirements relating to his loan are reasonable comparable to those relating to other loans of a~~



~~similar character committed to other borrowers during the period in which the loan to the licensee is committed. Accordingly, in making such comparison and in evaluating whether his loan was made under "normal lending procedures, terms and requirements", the certified public accountant should consider all the circumstances under which the loan was granted including:~~

~~(a) The amount of the loan in relation to the value of the collateral pledged as security and the credit standing of the certified public accountant or his firm.~~

~~(b) Repayment terms.~~

~~(c) Interest rate, including "points."~~

~~(d) Requirement to pay closing costs in accordance with the lender's usual practice.~~

~~(e) General availability of such loans to the public.~~

~~(8) Application of Rule 61H1-21.001 to Professional Personnel. The term "he and his firm" as used in the first sentence of Rule 61H1-21.001 means (a) all partners or shareholders in the firm and (b) all full and part-time professional employees participating in the engagement or located in an office participating in a significant portion of the engagement.~~

Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 12-4-79, Amended 2-3-81, 10-28-85, Formerly 21A-21.01, Amended 10-20-86, Formerly 21A-21.001, Amended \_\_\_\_\_.

#### 61H1-21.004 Conflicts of Interest.

(1) A conflict of interest may occur if a licensee performs a public accounting service for a client or employer and the individual licensee or his or her licensed firm has a relationship with another person, entity, product, or service that could, in the licensee's professional judgment, be viewed by the client, employer, or other appropriate parties as impairing the licensee's objectivity which is required by Rule 61H1-21.002, F.A.C. If such a circumstance arises the licensee and his or her licensed firm shall decline to enter into or to continue with the engagement. However, if the licensee believes that the public accounting service can be performed with objectivity, and the relationship is disclosed to and consent is obtained from such client, employer, or other appropriate parties, this rule shall not operate to prohibit the performance of the public accounting service. When making the disclosure, the licensee should consider the provisions of Section 473.316, Fla. Stat., which describes the privilege which attaches to certain communications between licensees and their clients.

(2) Licensees are reminded that certain public accounting engagements require independence, see Rule 61H1-21.001, F.A.C. Independence impairments under Rule 61H1-21.001, F.A.C., cannot be eliminated by such disclosure and consent.

(3) Nothing in this rule is intended to apply to the provisions of Sections 473.319 or 473.3205, Fla. Stat., and the rules promulgated thereto.

Specific Authority 473.304, 473.316, 473.319, 473.3205 FS. Law Implemented 473.316, 473.319, 473.3205 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

## DEPARTMENT OF HEALTH

### Board of Dentistry

RULE TITLE: RULE NO.:

Advertising and Soliciting by Dentists 64B5-4.002

PURPOSE AND EFFECT: This rule is being amended to update the rule text of subsection (3).

SUMMARY: This rule sets forth the criteria for advertising and soliciting by dentists.

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: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-4.002 Advertising and Soliciting by Dentists.

(1) through (2) No change.

(3) No dentist shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading in form or content. Additionally, no dentist shall disseminate or cause the dissemination of any advertisement or advertising which:

(a) through (f) No change.

(g) Is intended or is likely to appeal primarily to a layperson's fears.

(4) through (6) No change.

Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d) FS. History—New 7-7-87, Amended 1-11-89, 10-29-90, 4-24-91, 7-14-92, Formerly 21G-4.002, Amended 3-30-94, Formerly 61F5-4.002, 59Q-4.002, Amended 5-20-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 4, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLES:	RULE NOS.:
Definitions	64B5-14.001
Prohibitions	64B5-14.002
Training, Education, Certification, and Requirements for Issuance of Permits	64B5-14.003
Additional Requirements	64B5-14.004
Application for Permit	64B5-14.005
Reporting Adverse Occurrences	64B5-14.006
Inspection of Facilities	64B5-14.007
Conscious Sedation	64B5-14.009

PURPOSE AND EFFECT: The purpose of the rule amendments is to include enteral forms of sedation within the requirements imposed by these rules.

SUMMARY: These rules address different types of sedation to be utilized by Florida dentists. They define terminology utilized in the rules; list prohibitions regarding sedation, give training, education, certification and requirements for issuance of permits necessary; state who may and may not monitor different types of sedation; how to apply for a permit; state reporting requirements; requirements for inspection of facilities; and set forth additional requirements for conscious sedation.

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: 466.004, 466.017 FS.

LAW IMPLEMENTED: 120.60(8), 466.017 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-14.001 Definitions.

(1) Anesthesia – No change.

(2) General anesthesia – A controlled state of unconsciousness, produced by a pharmacologic agent, accompanied by a partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command. This modality includes administration of medications via parenteral routes; that is: intravenous, intramuscular, subcutaneous, submucosal, or inhalation, as well as enteral routes, that is oral, rectal, or transmucosal.

(3) Deep Sedation – A controlled state of depressed consciousness accompanied by partial loss of protective reflexes, including either or both the inability to continually maintain an airway independently or to respond appropriately to physical stimulation or verbal command, produced by pharmacologic or non-pharmacologic method or combination thereof. Deep sedation includes administration of medications via parenteral routes; that is intravenous, intra muscular, subcutaneous, submucosal, or inhalation, as well as enteral routes, that is oral, rectal or transmucosal.

(4) Conscious Parenteral-conscious sedation – A depressed level of consciousness produced by the ~~parenteral~~ administration of pharmacologic substances, that retains the patient’s ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and ~~or~~ verbal command. This modality includes administration of medications via all parenteral routes: that is, intravenous, intramuscular, subcutaneous, submucosal, or inhalation, as well as enteral routes; that is oral, rectal, or transmucosal. The drugs, and techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely.

(5) through (8) No change.

(9) Office team approach – A methodology employed by a dentist in the administration of general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, and pediatric sedation whereby the dentist uses one or more qualified assistants/dental hygienists who, working under the direct supervision of the dentist, assist the dentist, and assist in emergency care of the patient.

(10) Anxiolysis – The preoperative use of medication to relieve anxiety before or during a dental procedure which does not produce a depressed level of consciousness and maintains the patient’s ability to continually maintain an airway independently or to respond appropriately to physical stimulation and verbal command. The requirements contained in these rules are not applicable to the use of medication for the purpose of providing anxiolysis but not intended to induce sedation.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-7-86, Formerly 21G-14.01, Amended 12-31-86, 6-1-87, 9-1-87, 2-1-93, Formerly 21G-14.001, Amended 12-20-93, Formerly 61F5-14.001, Amended 8-8-96, Formerly 59Q-14.001, Amended \_\_\_\_\_.

#### 64B5-14.002 Prohibitions.

(1) No change.

(2) Conscious Parenteral—~~conscious~~ sedation. Beginning November 1, 1986, no dentists licensed in this State, including those authorized to administer ~~parenteral~~ conscious sedation subsequent to January 31, 1982, shall administer ~~parenteral~~ conscious sedation in the practice of dentistry until they have obtained a permit as required by the provisions of this rule chapter.

(3) through (6) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.02, 21G-14.002, Amended 12-20-93, Formerly 61F5-14.002, Amended 8-8-96, Formerly 59Q-14.002, Amended \_\_\_\_\_.

#### 64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

(1) General Anesthesia Permit.

(a) A permit shall be issued to an actively licensed dentist authorizing the use of general anesthesia or deep sedation at a specified practice location or locations on an outpatient basis for dental patients provided the dentist:

1. through 5. No change.

(b) through (c) No change.

(d) A dentist permitted to administer general anesthesia or deep sedation under this rule may administer ~~parenteral~~ conscious sedation and nitrous-oxide inhalation conscious sedation.

(e) No change.

(2) ~~Parenteral~~ Conscious Sedation Permit.

(a) A permit shall be issued to a dentist authorizing the use of ~~parenteral~~ conscious sedation at a specified practice location or locations on an outpatient basis for dental patients provided such dentist:

1. Has received formal training in the use of ~~parenteral~~ conscious sedation; and

2. Is certified by the institution where the training was received to be competent in the administration of ~~parenteral~~ conscious sedation; and

3. Is competent to handle all emergencies relating to ~~parenteral~~ conscious sedation.

(b) through (c) No change.

(d) A dentist utilizing ~~parenteral~~ conscious sedation shall maintain a properly equipped facility for the administration of ~~parenteral~~ conscious sedation, staffed with supervised assistant/dental hygienist personnel, capable of reasonably handling procedures, problems, and emergencies incident thereto. The facility must have the equipment capability of delivering positive pressure oxygen ventilation. Administration

of ~~parenteral~~ conscious sedation requires at least two individuals: a dentist, and an auxiliary trained in basic cardiac life support. It shall be incumbent upon the operating dentist to insure that the patient is appropriately monitored.

(e) A dentist utilizing ~~parenteral~~ conscious sedation and his assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one man CPR, two man CPR, infant resuscitation, and obstructed airway with a periodic update not to exceed two years. Starting with the licensure biennium commencing on March of 2000, a dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing ~~parenteral~~ conscious sedation must be currently trained in ACLS (Advanced Cardiac Life Support) or ATLS (Advanced Trauma Life Support).

(f) Dentists permitted to administer ~~parenteral~~ conscious sedation may administer nitrous-oxide inhalation conscious sedation.

(g) Dentists permitted to administer ~~parenteral~~ conscious sedation may administer pediatric conscious sedation in compliance with Rule 64B5-14.010, F.A.C.

(3) Pediatric Conscious Sedation Permit.

(a) A permit shall be issued to a dentist authorizing the use of pediatric conscious sedation at a specified practice location or locations on an outpatient basis for dental patients provided such dentist:

1. through 3. No change.

(b) through (c) No change.

(d) Dentists permitted to administer ~~parenteral~~ conscious sedation may administer pediatric conscious sedation.

(4) Nitrous-Oxide Inhalation Analgesia.

(a) A dentist may employ or use nitrous-oxide inhalation analgesia on an outpatient basis for dental patients provided such dentist:

1. through 3. No change.

(b) through (c) No change.

(d) Nitrous oxide may not be used in combination with oral sedative drugs to achieve a depressed level of consciousness unless the administering dentist holds a ~~parenteral~~ conscious sedation permit issued in accordance with subsection 64B5-14.003(2), F.A.C., or a pediatric conscious sedation permit issued in accordance with Rule 64B5-14.010, F.A.C.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, \_\_\_\_\_.

## 64B5-14.004 Additional Requirements.

(1) Office Team – A dentist licensed by the Board and practicing dentistry in Florida and who is permitted by these rules to induce and administer general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, pediatric conscious sedation or nitrous-oxide inhalation analgesia may employ the office team approach.

(2) Dental Assistants, Dental Hygienists – Dental assistants and dental hygienists may monitor nitrous-oxide inhalation analgesia under the direct supervision of a dentist who is permitted by rule to use general anesthesia, ~~parenteral~~ conscious sedation, pediatric conscious sedation, or nitrous-oxide inhalation analgesia, while rendering dental services allowed by Chapter 466, Florida Statutes, and under the following conditions:

(a) through (b) No change.

(3) through (4) No change.

(5) A dentist utilizing ~~parenteral~~ conscious sedation in the dental office may induce only one patient at a time. A second patient shall not be induced until the first patient is awake, alert, conscious, spontaneously breathing, has stable vital signs, is ambulatory with assistance, is under the care of a responsible adult, and that portion of the procedure requiring the participation of the dentist is complete. In an office setting where two or more permit holders are present simultaneously, each may sedate one patient provided that the office has the necessary staff and equipment, as set forth in paragraph 64B5-14.003(2)(d), F.A.C., for each sedated patient.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History–New 1-31-80, Amended 2-13-86, Formerly 21G-14.04, Amended 12-31-86, 12-28-92, Formerly 21G-14.004, Amended 12-20-93, Formerly 61F5-14.004, Amended 8-8-96, Formerly 59Q-14.004, Amended.

## 64B5-14.005 Application for Permit.

(1) No dentist shall administer, supervise or permit another health care practitioner, as defined in subsection 456.001, F.S., to perform the administration of general anesthesia, deep sedation, ~~parenteral~~ conscious sedation or pediatric conscious sedation in a dental office for dental patients, unless such dentist possesses a permit issued by the Board. A permit is required even when another health care practitioner, as defined in subsection 456.001, F.S., administers general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, or pediatric conscious sedation in a dental office for a dental patient. The dentist holding such a permit shall be subject to review and such permit must be renewed biennially. Nothing herein shall be read to authorize the administration of any anesthesia by a health care practitioner who is permitted to administer anesthesia pursuant to their own professional license. All dentists in a practice who perform the administration of general anesthesia, deep sedation, ~~parenteral~~ conscious sedation or pediatric conscious sedation shall each possess an individual permit.

(2) through (3) No change.

(4) An application for a ~~parenteral~~ conscious sedation permit must include the application fee specified in Rule 64B5-15.017, F.A.C., which is non-refundable; the permit fee specified in Rule 64B5-15.018, F.A.C., which may be refunded if the application is denied without inspection of the applicant's facilities; evidence indicating compliance with all the provisions of this chapter; and identification of the location or locations at which the licensee desires to be authorized to use or employ ~~parenteral~~ conscious sedation.

(5) through (6) No change.

(7) The holder of any general anesthesia, ~~parenteral~~ conscious sedation, or pediatric conscious sedation permit is authorized to practice pursuant to such permit only at the location or locations previously reported to the Board office.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History–New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended 12-12-00, Amended.

## 64B5-14.006 Reporting Adverse Occurrences.

(1) Any dentist practicing in the State of Florida must notify the Board in writing by registered mail, postmarked within 48 hours of any mortality or other incident occurring in the dentist's outpatient facilities. A complete written report shall be filed with the Board within 30 days of the mortality or other incident. Incidents which shall be reported are those which result in temporary or permanent physical or mental injury requiring hospital emergency room treatment and/or hospitalization of a patient during, or as a direct result of the use of general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, pediatric conscious sedation, oral sedation, nitrous oxide, or local anesthesia during or related to a dental procedure. The report shall include at minimum, responses to the following:

(a) through (e) No change.

1. through 3. No change.

(f) No change.

(2) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History–New 2-12-86, Amended 3-27-90, Formerly 21G-14.006, Amended 12-20-93, Formerly 61F5-14.006, Amended 8-8-96, Formerly 59Q-14.006, Amended.

## 64B5-14.007 Inspection of Facilities.

(1) The Chairman of the Board or the Board by majority vote shall appoint consultants who are Florida licensed dentists to inspect facilities where general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, or pediatric conscious sedation is performed. Consultants shall receive instruction in inspection procedures from the Board prior to initiating an inspection.

(2) Any dentist who has applied for or received a general anesthesia permit, ~~parenteral~~ conscious sedation permit, or pediatric conscious sedation permit shall be subject to announced or unannounced on-site inspection and evaluation

by an inspection consultant. This inspection and evaluation shall be required prior to issuance of an anesthesia permit. However, if the Agency cannot complete the required inspection prior to licensure, such inspection shall be waived until such time that it can be completed following licensure.

(3) No change.

(4) Any applicant who receives a failing grade as a result of the on-site inspection shall be denied a permit for general anesthesia and ~~parenteral~~ conscious sedation.

(5) Any permit holder who fails the inspection shall be so notified by the anesthesia inspection consultant and shall be given a written statement at the time of inspection which specifies the deficiencies which resulted in a failing grade. The inspection consultant shall give the permit holder 20 days from the date of inspection to correct any documented deficiencies. Upon notification by the permit holder to the inspection consultant that the deficiencies have been corrected, the inspector shall reinspect to insure that the deficiencies have been corrected. If the deficiencies have been corrected, a passing grade shall be assigned. No permit holder who has received a failing grade shall be permitted 20 days to correct deficiencies unless he voluntarily agrees in writing that no general anesthesia or deep sedation or ~~parenteral~~ conscious sedation will be performed until such deficiencies have been corrected and such corrections are verified by the anesthesia inspection consultant and a passing grade has been assigned.

(6) through (7) No change.

(8) The holder of any general anesthesia, ~~parenteral~~ conscious sedation, or pediatric conscious sedation permit shall inform the Board office in writing of any change in authorized locations for the use of such permits prior to accomplishing such changes. Written notice shall be required prior to the addition of any location or the closure of any previously identified location.

(9) No change.

Specific Authority 466.017(3) FS. Law Implemented 120.60(8), 466.017(3) FS. History--New 10-24-88, Amended 3-27-90, 11-8-90, 4-24-91, 2-1-93, Formerly 21G-14.007, Amended 12-20-93, Formerly 61F5-14.007, Amended 8-8-96, Formerly 59Q-14.007, Amended.

**64B5-14.009 ~~Parenteral~~ Conscious Sedation.**

~~Parenteral~~ Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

(1) through (6) No change.

(7) The following records are required when ~~parenteral~~ conscious sedation is administered:

(a) through (d) No change.

1. through 6. No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 10-24-88, Amended 11-16-89, 4-24-91, Formerly 21G-14.009, 61F5-14.009, Amended 8-8-96, 10-1-96, Formerly 59Q-14.009, Amended 8-2-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULE NO.: 64B10-14.004

PURPOSE AND EFFECT: The Board proposes an amendment to this rule pursuant to sections 468.1755 and 456.072, Florida Statutes.

SUMMARY: Proposed new language promulgated sets forth the range of disciplinary penalties for licensees pursuant to Section 468.1755(1)(r), Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.079, 468.1685(1) FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.1685(4), (5),(6), 468.1755(1)(a),(j) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

Minimum	Maximum
---------	---------

(a) through (mm) No change.

(nn) Failure to implement quality assurance program.

(Section 468.1755(1)(r), F.S.)

<u>First Offense</u>	<u>reprimand</u>	<u>reprimand and \$1000 fine</u>
<u>Second Offense</u>	<u>probation and \$1000 fine</u>	<u>1 month suspension</u>

(3) No change.

Specific Authority 456.079, 468.1685(1) FS. Law Implemented 456.072, 456.079, 468.1685(4),(5),(6), 468.1755(1)(a),(j),(r) FS. History--New 11-23-86, Amended 4-22-87, Formerly 21Z-14.004, 61G12-14.004, 59T-14.004, Amended 10-12-97, 10-16-00, 2-13-01,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 25, 2002

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Standards for Continuing Professional Education  
RULE NO.: 64B12-15.003

PURPOSE AND EFFECT: The Board proposes to promulgate new language to establish the requirements for continuing education credit during attendance at board meetings.

SUMMARY: New language is proposed in this rule to set forth and clarify continuing education credit at board meetings during disciplinary proceedings.

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

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

SPECIFIC AUTHORITY: 456.013(7), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(7), 484.008(3) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-15.003 Standards for Continuing Professional Education.

(1) through (2) No change.

(3) Continuing professional education courses must contribute to the advancement, extension or enhancement of professional skills and knowledge in the practice of opticianry or the management of a practice. For biennial renewal, twenty hours of continuing education shall be required as follows:

(a) through (e) No change.

(f) Two hours of continuing education per biennium may be granted for attendance at a regularly scheduled board meeting where disciplinary action is being taken. Licensees appearing before the board on any disciplinary proceeding shall not be entitled to claim two hours of continuing education for that particular board meeting. Any licensee claiming two hours of continuing education under this section shall prepare a written statement detailing the date and location of said board meeting and the hours attended at said board meeting. Said written statement shall be used to report continuing education pursuant to Rule 64B12-5.001, F.A.C.

(g)(f) No change.

(4) through (7) No change.

Specific Authority 456.013(7), 484.005, 484.008(3) FS. Law Implemented 456.013(7), 484.008(3) FS. History--New 10-12-80, Formerly 21P-15.03, Amended 3-5-87, 8-10-87, 10-29-87, 1-6-88, 6-11-92, Formerly 21P-15.003, Amended 4-17-94, Formerly 61G13-15.003, Amended 3-14-95, Formerly 59U-15.003, Amended 4-20-99, 12-31-00, 10-29-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: November 1, 2002

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Fees  
RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to remove paragraphs (1) and (10) as the Board no longer has the responsibility for setting the examination and re-examination fees. By statute, this responsibility is now delegated to the Department.

SUMMARY: This rule sets out the fees prescribed by the Board.

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

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

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED, A HEARING WILL NOT BE HELD.)

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

~~(1) The examination or reexamination fee shall be \$325.00.~~

(2) through (9) renumbered (1) through (8) No change.

~~(10) The examination fee for certification as a certified optometrist shall be \$250.00.~~

(11) through (22) renumbered (9) through (20) No change.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Citations RULE NO.: 64B16-30.003

PURPOSE AND EFFECT: The Board proposes to update the rule to conform with a recent rule amendment addressing the penalty for a violation that may be disposed of by citation.

SUMMARY: The rule update addresses the penalty for a prescription filling error violation that may be disposed of by citation.

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

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

SPECIFIC AUTHORITY: 456.077, 456.073, 465.005 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.003 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) through (g) No change.

(h) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in §465.019(6) or §465.025; or dispensing a medication with dosage instructions different in any way than prescribed, provided that:

1. No allegation of harm or ill effects is present;
2. The licensee has no prior disciplinary history; and
3. The event did not result in or pose a significant threat to the health and safety of the patient or the public.

The penalty shall be a letter of concern, payment of costs, fine of \$500 and completion of an approved continuing education course in the prevention of medication dispensing errors, of no less than eight (8) hours.

(4) through (5) No change.

Specific Authority 456.077, 456.073, 465.005 FS. Law Implemented 456.077 FS. History—New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended 4-3-00, 1-2-02, 8-26-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE TITLE: Continuing Education Credit Guidelines RULE NO.: 64B21-502.004

PURPOSE AND EFFECT: To update and clarify existing language and add new language to address programs accepted for continuing education credit.

SUMMARY: The Department of Health proposes new language to clarify existing text and amend acceptable continuing education programs to include those approved by Boards within the Division of Medical Quality Assurance.

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: 490.015 FS.

LAW IMPLEMENTED: 490.0085 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-502.004 Continuing Education Credit Guidelines.

(1) through (3) No change.

(4) Programs approved for continuing education credits will contain the following characteristics:

(a) Continuing education speakers must:

1. No change.

2. Have been awarded a doctorate which is psychological in nature or is directly related to the topic of their presentation from a college or university which is accredited by an accrediting agency approved by the United States Department of Education, or

3. through 4. No change.

(b) The content of all continuing education programs must be psychological in nature or directly relevant to the practice of school psychology and provide information concerning human behavior and/or methods of providing school psychological services. Continuing education credit will be granted only for those courses designed to improve the counseling or other school psychological skills of the licensee.

(c) Programs accepted for continuing education credit shall fall into one of the following categories.

1. through 3. No change.

4. Continuing education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health, provided that such courses enhance the school psychological skills and/or school psychological knowledge of the licensee.

(5) through (8) No change.

Specific Authority 490.015 FS. Law Implemented 490.0085 FS. History--New 7-3-83, Amended 11-27-83, 2-21-85, Formerly 21U-502.04, Amended 12-26-91, 6-24-92, Formerly 21U-502.004, 61E9-502.004, Amended 10-16-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kaye Howerton, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Director, MQA

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Antiepileptic Drug Program RULE CHAPTER NO.: 64F-19

RULE TITLES: Definitions RULE NOS.: 64F-19.001

Procedure 64F-19.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise eligibility criteria for the Antiepileptic Drug Program.

SUBJECT AREA TO BE ADDRESSED: The rule establishes eligibility requirements and a form for the distribution of antiepileptic medication to Florida residents who could not otherwise obtain medication for the control of their seizures.

SPECIFIC AUTHORITY: 385.207 FS.

LAW IMPLEMENTED: 385.207 FS.

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

TIME AND DATE: 9:00 a.m. until 11:00 a.m., November 21, 2002

PLACE: Florida Department of Health, 4025 Esplanade Way, Room 220 P, Tallahassee, FL 3239-1744

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paula DeBoles-Johnson, Epilepsy Program, HSFCD Bin #A-18, 4052 Bald Cypress Way, Tallahassee, FL 32399-1744



THE FULL TEXT OF THE PROPOSED RULES IS:

64F-19.001 Definitions.

(1) “Bona fide resident” means a person living in Florida with the intent to remain as evidenced by self-declaration. This definition does not exclude migrant farm workers as defined in Section 381.008(4), F.S., from participation in the Antiepileptic Drug Program.

(2) “Client” refers to a person who has been determined eligible for the Antiepileptic Drug Program and is receiving medications to control seizures through the program.

(3) “Epilepsy Services Program provider” is an agency that under contract with the Department of Health provides services to persons with epilepsy as outlined in Section 385.207, F.S.

(4) “Poverty guidelines” mean the guidelines defined by subsection 64F-16.001(7), F.A.C.

(5) “Self declaration” means a statement regarding assets, income, family size, medical diagnosis, or residency made by a person applying for services. Self-declaration does not include any documentation other than the signature of the person making the statement.

(6) “Valid prescription” means a prescription written by a licensed health care practitioner who is authorized by law to prescribe medicine and is presented within 12 months of the date the prescription was written, except for controlled substances which must be presented within six months of the date written.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History—New \_\_\_\_\_.

64F-19.002 Procedure.

(1) A person wishing to participate in the Antiepileptic Drug Program may apply at any county health department. The applicant will submit to the county health department a valid prescription or a completed Epilepsy Medication Request DH2007 (dated 6/01), incorporated herein by reference. An Epilepsy Medication Request may be obtained from any county health department or Epilepsy Services Program provider. In accordance to the eligibility criteria set forth in this rule, form DH2007 must be completed in its entirety prior to the Department’s acceptance of the applicant into the program.

(2) Clients of Children’s Medical Services who are diagnosed as having epilepsy are automatically eligible for the program.

(3) Additionally, the county health department will accept into the program persons who meet all the following eligibility criteria:

- (a) Have a diagnosis of epilepsy;
- (b) Are a bona fide Florida resident;
- (c) Have no coverage for medication through Medicaid or other health insurance;

(d) Have a gross family income at or below 110 percent of the current federal poverty level guidelines, as defined in subsection 64F-16.001(7), F.A.C.; and

(e) Have no more than \$2,500 per family in private funds, bank accounts or liquid assets not including their homestead or personal vehicle.

(4) The department may establish a limited access program to provide antiepileptic medications not available through the Antiepileptic Drug Program. Persons who are eligible for the Antiepileptic Drug Program and who have a valid prescription may apply to participate in this program as provided in paragraph one. Antiepileptic medications available through this limited access program may vary and are determined by the Department’s Health State Health Officer or designee. A list of available medications are available through the limited access program is available from the DOH Central Pharmacy. Availability of these medications is limited and is based on need as evidenced by a valid prescription and the availability of funds.

(5) A person who does not meet the eligibility criteria as defined above who is temporarily without financial resources to purchase antiepileptic medication may receive a one month supply of medication once annually.

(6) Every 12 months a client must be determined eligible for the program.

(7) If at any time the client experiences a change in status which could affect his or her eligibility, the client must report this change to the county health department within 30 days.

(8) If a client is determined ineligible for the Antiepileptic Drug Program, the county health department will continue to provide medication through the Antiepileptic Drug Program to the client for up to six months after the determination of ineligibility unless another source for medication is found.

Specific Authority 385.207 FS. Law Implemented 385.207 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program Office**

RULE TITLE: Forms for Client Notice and Contact

RULE NO.: 65A-1.400

PURPOSE AND EFFECT: The proposed amendment of Rule 65A-1.400, F.A.C., is to incorporate new and amended agency client notice and contact forms and to delete forms no longer in use or incorporated by reference in other rules. Some of the form amendments are substantive and others reflect only a change of the department’s and/or program office’s name designator in the form number.

SUMMARY: A number of verification, disclosure, client statement and information release forms are being newly incorporated into this rule by reference. A few forms that are currently incorporated by reference have been amended for clarity and ease of use. A number of forms are being deleted

because they are no longer in use, or because they will be moved to other rules. Other forms are being deleted because they are not used for client notice or contact.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost was not prepared for this proposed rule amendment.

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

SPECIFIC AUTHORITY: 409.919, 409.953, 414.45 FS.

LAW IMPLEMENTED: Specific Appropriation 435, 2000 General Appropriations Act, 409.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125, 414.13, 414.16, 414.21, 414.28, 414.31 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: 2:00 p.m., December 2, 2002

PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 65A-1.400 follows. See Florida Administrative Code for present text.)

65A-1.400 Forms for Client Notice and Contact.

(1) This section lists forms used in two or more Public Assistance Programs. The following forms will be used to provide clients with notice and information about their initial and continuing eligibility for public assistance programs. These forms are hereby incorporated by reference.

- (a) SS-5, Mar 01                      Application for Social Security Card
- (b) Form DBF-AA-408, Oct 96      Affidavit for Duplicate Warrant
- (c) Form DBF-AA-409, Apr 99      Affidavit Attesting to Forgery
- (d) CF-ES Form 990, Sep 02        Designation of Beneficiary
- (e) CF-ES Form 2039, Sep 02        Medical Assistance Referral
- (f) CF-ES Form 2059, Sep 02        Consent of Disclosure Statement
- (g) CF-ES Form 2270, Sep 02        Bank Account Verification Request
- (h) CF-ES Form 2271, Sep 02        Life Insurance Verification Request
- (i) CF-ES Form 2272, Sep 02        Income Verification Request
- (j) CF-ES Form 2300, Sep 01        Verification of No Income

- (k) CF-ES Form 2301, Sep 02        Verification of Shared Living Arrangements
- (l) CF-ES Form 2303, Sep 02        Verification of Household Composition
- (m) CF-ES Form 2304, Sep 02        Public Assistance Consent to Release Information
- (n) CF-ES Form 2306, Sep 02        Verification of Contributions Loans and/or Vendor Payments
- (o) CF-ES Form 2307, Sep 02        Verification of Railroad Retirement Program Options (for Public Assistance Applicants Recipients)
- (p) CF-ES Form 2309, Sep 02        Request for Social Security Income Verification (TPOY)
- (q) CF-ES Form 2310, Sep 02        Student Financial Aid Verification
- (r) CF-ES Form 2313, Sep 02        Authorization to Release Medical Information
- (s) CF-ES Form 2514, Sep 02        Financial Information Release
- (t) CF-SES Form 2613, Sep 02        Verification of Employment/Loss of Income
- (u) CF-ES Form 2620, Sep 01        Dependent Care Verification
- (v) CF-ES Form 2621, Sep 02        Shelter Verification
- (w) CF-ES Form 2622, Sep 01        School Verification
- (x) CF-ES Form 2623, Sep 02        Protective Payee Agreement
- (y) CF-ES Form 2635, Sep 02        Claim Notice – Good Cause Claim for Refusal to Cooperate
- (z) CF-ES Form 2641, Sep 02        Real Property Agreement
- (aa) CF-ES Form 2672, Sep 02       Authorized Representative Designation
- (bb) CF-ES Form 3010, Sep 02       Change Report Form
- (cc) CF-ES Form 3052A, Sep 02      Authorized Benefit Representative for Electronic Benefit Transfer
- (dd) CF-ES Form 3103, Oct 01       Transfer

(2) Single copies of each of the forms listed as incorporated by reference may be obtained without cost from the public assistance office which serves your area or by written request to the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 409.919, 409.953, 410.033, 414.45, ~~409.026~~ 409.026, 409.185, 409.235, 409.275 FS. Law Implemented 409.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125, 414.13, 414.16, 414.21, 414.28, 414.31, ~~409.026, 409.185, 409.235, 409.275~~ FS. History—New 4-9-92, Amended 7-1-93, 8-3-94, Formerly 10C-1.400, Amended 12-29-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rodney McInnis, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2002  
 DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999 and August 2, 2002

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Substance Abuse Program**

RULE TITLES:	RULE NOS.:
Title	65D-30.001
Definitions	65D-30.002
Department Licensing and Regulatory Standards	65D-30.003
Common Licensing Standards	65D-30.004
Standards for Addictions Receiving Facilities	65D-30.005
Standards for Detoxification	65D-30.006
Standards for Residential Treatment	65D-30.007
Standards for Day or Night Treatment With Host Homes	65D-30.008
Standards for Day or Night Treatment	65D-30.009
Standards for Intensive Outpatient Treatment	65D-30.0091
Standards for Outpatient Treatment	65D-30.010
Standards for Aftercare	65D-30.011
Standards for Intervention	65D-30.012
Standards for Prevention	65D-30.013
Standards for Medication and Methadone Maintenance Treatment	65D-30.014

PURPOSE AND EFFECT: Chapter 65D-30, F.A.C., titled Substance Abuse Services, is being substantially amended, in part, in response to amendments to Chapter 397, F.S., mandating the department to develop rules in specific areas. Additionally, the rules are being amended to allow the department, as the state regulatory authority for substance abuse services, to respond more effectively to changing trends and practices in the substance abuse field brought on by mandates at the state and federal levels.

SUMMARY: Chapter 65D-30, F.A.C., sets forth clearly defined standards for the department regarding licensure of substance abuse service providers and substantially updates and clarifies the process of licensure in the context of accreditation. Specific standards regarding client assessment, placement, and treatment planning have been substantially updated in accordance with best practices. The standards for the various levels of residential treatment have been updated and a new level of residential treatment has been added in response to new legislation. New standards are created for intensive outpatient treatment and the standards for prevention have been significantly updated. Standards for medication and methadone maintenance treatment will provide more flexibility for using methadone or other approved medication in treating

opioid addiction in accordance with state and federal regulations. The rules also provide waivers from certain standards, in accordance with Section 397.406, F.S., for inmate programs operated under the Department of Corrections and commitment programs and detention facilities operated under the Department of Juvenile Justice.

SPECIFIC AUTHORITY: 397.321(5) FS.

LAW IMPLEMENTED: 20.19(10), 232, 384, 394, 397.311, 397.321(1), 397.401, 397.403, 397.405, 397.406, 397.407, 397.409, 397.411, 397.415, 397.419, 397.427, 397.431(5), 397.451, 397.471, 397.501, 397.601, 397.675, 397.705, 397.706, 397.752, 397.753, 397.754, 397.901, 465, 633.022, 944.026, 948 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: The cost to the department will be limited to the cost of adopting the amendments to Chapter 65D-30. It is estimated that the department will not experience any additional costs. The substance abuse provider agencies should not anticipate any increase in costs relative to the adoption of these proposed rules since the amendments promote greater efficiency in substance abuse provider service delivery and department regulation.

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

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

TIME AND DATE: 2:00 p.m., EST., December 10, 2002

PLACE: Department of Children and Families, 1317 Winewood Boulevard, Building 6, Conference Room A, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phil Emenheiser, Senior Management Analyst II, Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Rm. 306, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

65D-30.001 Title.

These rules shall be known as the licensure standards for “Substance Abuse Services”. ~~“substance abuse services.”~~

Specific Authority 397.321(5) FS. Law Implemented 397 FS. History—New 5-25-00, Amended.

65D-30.002 Definitions.

(1) “Abbreviated Treatment Plan” means a shorter version of a treatment plan that is developed immediately following placement in an addictions receiving facility or detoxification component and is designed to expedite planning of services typically provided to clients placed in those components.

(2)(1) "Accreditation" means the process by which a provider satisfies specific nationally accepted requirements regarding administrative, clinical, medical, and facility standards applied by as evaluated through an accrediting organization that has been approved by the department.

(3)(2) "Aftercare Plan" means a written plan that specifies an outline of goals to be achieved by a client or family involved in aftercare on a regularly scheduled basis.

(4)(3) "Ancillary Services" means services such as legal, vocational, employment, mental health, prenatal care, diagnostic testing, public assistance, child care, and transportation, that may be either essential or incidental to a client's recovery.

(5)(4) "Assessment" means a process used to determine the type nature and severity of a client's substance abuse problem and includes a psychosocial assessment and, depending upon the component, a physical health assessment.

(6)(5) No change.

(7)(6) "Case Management" means a process which is used by a provider to ensure that clients receive services appropriate to their needs and includes linking clients to services, and monitoring the delivery and effectiveness of those services.

(8)(7) "Certification" means the process by which an individual achieves nationally accepted specific national standards of competency and proficiency in the field of substance abuse through professional experience and a curriculum of study for addiction professionals that has been which is recognized by the department.

(9)(8) No change.

(10)(9) "Client" or "Participant" means any person who receives substance abuse services from a provider.

(11)(10) "Client or Participant Record" means the clinical and medical record of substance abuse services provided to a client or participant and includes documentation of the client's progress.

(12)(11) "Clinical Services" means services such as screening, psychosocial assessment, placement, treatment planning, counseling, and case management.

(13)(12) "Clinical Staff" means those employees of a provider who are responsible for overseeing or providing clinical services to clients within the scope of their training and experience and in accordance with applicable laws and regulations.

(14)(13) "Clinical Summary", as used in the context of these rules, means a written statement summarizing the results of the psychosocial assessment relative to the perceived condition of the client and a further statement of possible service needs based on the client's condition.

(15) "Competency and Ability of Applicant" means a determination that an applicant for a license under Chapter 397, F.S., is able or unable to demonstrate, through a

background check on education and employment history, the capability of providing substance abuse services in accordance with applicable laws and regulations.

(16)(14) "Component" means the operational entity a licensable service of a provider that is subject to licensing. The primary specific service components are listed and defined below, as follows:

(a) "Addictions Receiving Facility" is a secure, acute-care, residential facility operated 24 hours-per-day, 7 days-per-week, designated by the department to serve persons found to be substance abuse impaired as described in Section section 397.675, F.S., and who meet the placement criteria for this component.

(b) "Detoxification" is a process involving sub-acute acute care that is provided on a residential or an outpatient basis to assist clients who meet the placement criteria for this component who meet the placement criteria for this component to withdraw from the physiological and psychological effects of substance abuse.

(c) "Residential Treatment" is treatment provided on in a residential basis, non-hospital facility operated 24 hours-per-day, 7 days-per-week, and is intended for clients who meet the placement criteria for this component. For the purpose of these rules, there are five four levels of residential treatment, that vary according to each designed to serve a different purpose, including variations in the type, frequency, and duration intensity of services provided.

(d) "Day or Night Treatment with Host Homes" is treatment provided on a nonresidential basis at least three four hours each day and at least 12 16 hours each week and is intended for clients who meet the placement criteria for this level of care. This component also requires that each client reside with a host family as part of the treatment protocol.

(e) "Day or Night Treatment" is treatment provided on a nonresidential basis at least three four hours per each day and at least 12 16 hours each week and is intended for clients who meet the placement criteria for this component.

(f) "Intensive Outpatient Treatment" is provided on a nonresidential basis and is intended for clients who meet the placement criteria for this component. This component provides structured services each day that may include ancillary psychiatric and medical services.

(g)(f) "Outpatient Treatment" is treatment provided on a nonresidential basis and is intended involves scheduled and unscheduled appointments for clients who meet the placement criteria for this component.

(h)(g) "Aftercare" involves means structured services provided to individuals who have completed an episode of treatment in a component and who are in need of continued observation and support to maintain recovery.

(i)(h) "Intervention" includes activities and strategies that are used to prevent forestall or impede the development or progression of substance abuse problems.

(j)(i) “Prevention” includes activities and strategies that are used to preclude the development of substance abuse problems.

(k)(j) “Medication and Methadone Maintenance Treatment” is ~~treatment~~ provided on a ~~an~~ nonresidential basis which utilizes methadone or other approved medication in combination with clinical services to treat persons who are dependent upon opioid drugs, and is intended for persons who meet the placement criteria for this component.

(l)(k) “Control of Aggression” means the application use of de-escalation and other approved verbal and physical intervention techniques and procedures that have been approved by the department to manage aggressive client behavior.

(m)(l) “Counseling” means the process, conducted in a facility licensed under Chapter 397, F.S., of engaging a client in a verbal discussion of issues associated with the client’s substance abuse and associated problems in an effort to work toward a constructive resolution of those problems and ultimately toward recovery.

(n)(m) “Counselor” means a member of the clinical staff, working in a facility licensed under Chapter 397, F.S., whose duties primarily consist of conducting and documenting Services such as counseling, psycho-educational groups, psychosocial assessment, treatment planning, and case management.

(o)(n) “Court Ordered” means the result of an order issued by a court of ~~competent jurisdiction~~ requiring an individual’s participation in a licensed component of a ~~service~~ provider under the following authority:

(a) Civil involuntary as provided under Sections sections 397.6811 and 397.693, F.S.;

(b) Treatment of habitual substance abusers in licensed secure facilities as provided under Section section 397.702, F.S.; and

(c) Offender referrals as provided under Section section 397.705, F.S.

(p)(o) “Department” means the Department of Children and Family Services, created pursuant to Section 20.19, F.S. Chapter 20, Florida Statutes.

(q)(p) “Diagnostic Criteria” means prevailing ~~clinical and medical~~ standards which are used by ~~licensed practitioners~~ to determine a client’s mental and physical condition relative to their need for substance abuse services, such as those which are described in the current Diagnostic and Statistical Manual of Mental Disorders.

(r)(q) “Diagnostic Services” means services that are provided to clients who have been assessed as having special needs and that will assist in their recovery such as educational tests, psychometric tests and evaluation, psychological and psychiatric evaluation and testing, and specific medical tests.

(s)(r) “Direct Care Staff” means employees and volunteers of a provider who provide direct services to clients.

(t)(s) “Direct Services” means services that are provided by employees or volunteers staff who have contact or who interact with clients on a regular basis.

(u)(t) “Discharge Summary Plan” means a written narrative of the client’s treatment record describing the client’s accomplishments and problems during treatment, reasons for discharge, and recommendations for further services.

(v)(u) “District Office” means a local or regional office designated geographical service area of the department Department.

(w)(v) “Dual Diagnosis ~~or Co-occurring Disorder~~” means a diagnosis of a substance use abuse disorder and accompanied by a concurrent diagnosis of a at least one psychiatric disorder.

(x)(w) “Financial Ability” means a provider’s ability to secure and maintain the necessary financial resources to provide services to clients in compliance with required ~~licensure~~ standards.

(y)(x) “Impairment” means a physical or psychological condition directly attributed to the use of alcohol or other substances of abuse drugs which substantially interferes with an individual’s level of functioning.

(z)(y) No change.

(aa)(z) “Initial Treatment Plan” means a preliminary, written plan outline of goals and objectives intended to inform the client of service expectations and to prepare the client for service provision.

(ab)(aa) “Intervention Plan” means a written plan outline of goals and objectives to be achieved by a client who is involved in intervention services.

(ac)(ab) “Involuntary” means the status ascribed to a person who meets the criteria for admission under Section 397.675, F.S.

(ad)(ac) No change.

(ae)(ad) “Licensing Licensure Fee” means revenue collected by the department from a provider required to be licensed under Section section 397.407, F.S.

(af)(ae) No change.

(ag)(af) No change.

(ah)(ag) “Medical Maintenance” means special clinical protocols that permit extending the amount of consecutive take out medication provided to clients who are involved in medication and methadone maintenance treatment and who qualify through a special exemption from the department for participation under these protocols. Medical maintenance may be either partial (13 consecutive take-outs) or full (27 consecutive take-outs).

(ai)(ah) “Medical Services” means ~~services which include a medical history, a nursing physical screen, a physical examination, laboratory tests, tests for contagious diseases, and other related diagnostic tests, which are provided by practitioners licensed under Chapters 458, 459, and 464, F.S.~~

(40) “Medication Error” means medication that is administered or dispensed to a client in a dose that is higher or lower, with greater or lesser frequency, or that is the wrong medication than that which is prescribed under a physician’s order and has the potential to harm the patient.

(41)(34) “Medication and Methadone Maintenance Treatment Sponsor” means a ~~person or~~ representative of a medication and methadone maintenance treatment provider who is responsible for its operation and who assumes responsibility for all its employees and volunteers, including all practitioners, agents, or other persons providing services at the provider.

(42)(35) No change.

(43)(36) “Nursing Support Staff” means persons who assist ~~Licensed~~ Registered Nurses and Licensed Practical Nurses in carrying out their duties, but who are not licensed nurses.

(44)(37) “Operating Procedures” means written policies and procedures ~~policies and standards~~ governing the organization and operation of a provider that include and the methods of implementation and accountability for implementing those policies and standards.

(45)(38) “Organizational Capability” means a provider’s ability to implement written operating procedures in conformance with required ~~licensure~~ standards.

(46)(39) “Overlay” means a component operated ~~provider~~ licensed under Chapter 397, F.S., rendering services within facilities not owned or operated by a the provider.

(47)(40) No change.

(48)(41) “Physical Health Assessment” means a series of ~~medical~~ services that are provided to evaluate a client’s medical history and present physical condition and include a medical history, a nursing physical screen, a physical examination, laboratory tests, tests for contagious diseases, and other related diagnostic tests.

(49)(42) No change.

(50)(43) No change.

(51) “Prevention Counseling” means a discussion with a participant involved in a prevention component that follows the objectives established in the prevention plan and is intended to reduce risk factors and increase protective factors.

(52)(44) “Prevention Plan” means a plan ~~an outline~~ of goals to be achieved by a client or family involved in structured prevention activities on a regularly scheduled basis.

(53)(45) “Primary Counselor” means an employee who is part of the clinical ~~a staff and who has member with~~ primary responsibility for delivering and coordinating clinical services for specific clients to within their scope of practice and qualifications.

(54)(46) “Private Practice”, as used in these rules, means a sole proprietorship, an individual or individuals using shared office space, or other business entity, required to be licensed under Chapter 397, F.S.

(55)(47) No change.

(56) “Program Office” means the specific office of the department identified as the single state authority for substance abuse.

(57)(48) “Progress Notes” mean written entries made by clinical staff in the client record that document progress or lack thereof toward meeting treatment plan objectives, and which generally address the provision of services, the client’s response to those services, and significant events.

(58)(49) “Protective Factors” means those conditions that inhibit, reduce, or protect against the probability of the occurrence of drug use or abuse ~~aspects of a client’s life which have a positive influence and is used, largely in prevention services, to describe circumstances which have such an impact.~~

(59)(50) “Provider”, as used in these rules, means a public agency, a private for-profit or not-for-profit agency, a person who is in private practice, and a qualified professional, or a hospital, ~~which agency, person, professional, or hospital is required to be~~ licensed under Chapter 397, F.S., or exempt from licensure.

(60)(51) No change.

(61)(52) “Publicly Funded Provider” means a provider that which receives funds directly from the department, Medicaid, or another public agency or is a state agency or local government agency.

(62)(53) “Qualified Professional” means a physician licensed under Chapters 458 or 459, F.S., a practitioner licensed under Chapters 490 or ~~and~~ 491, F.S., or is a person who is certified through a department-recognized certification process as provided for in subsection ~~sections~~ 397.311(25), F.S., and Section 397.416, F.S. Individuals who are certified are permitted to serve in the capacity of a qualified professional, but only within the scope of their certification.

(63)(54) “Quality Assurance” means a formal ~~formalized~~ method of evaluating the quality of care rendered by a provider and is used to promote and maintain an efficient and effective service delivery system. Quality assurance includes the use of a formalized quality improvement process to prevent ~~that focuses on preventing~~ problems from occurring so that corrective efforts are not required.

(64)(55) “Restraint” means ~~the use of:~~

(a) Any manual method used or physical or mechanical device, material, or equipment attached or adjacent to a client’s body that he or she cannot easily remove and that restricts freedom of movement or normal access to one’s body; and

(b) A drug used to control a client’s behavior when that drug ~~or to restrict the client’s freedom of movement and~~ is not a standard treatment for the client’s condition.

~~The use of restraint is permitted only within addictions receiving facilities.~~

(65)(56) “Risk Factors” means those conditions affecting a group, individual, or defined geographic area that increase the likelihood of a substance use or substance abuse problem

aspects of a client's life which have a negative influence and is used, largely in prevention services, to describe circumstances which have such an impact.

~~(66)~~(57) "Screening" means a process involving a brief review of a person's presenting problem to determine the person's appropriateness and eligibility for substance abuse services and the possible level of services required.

~~(67)~~(58) "Seclusion" means the use of a secure, private, ~~or quiet~~ room designed to isolate a client who has been determined by a physician to pose an immediate threat of physical harm to self or others. ~~The use of seclusion is permitted only within addictions receiving facilities.~~

~~(68)~~(59) "Services" means assistance ~~that which~~ is provided to clients in their efforts to ~~remain or~~ become and remain substance free such as counseling, treatment planning, vocational activities, educational training, and recreational activities.

~~(69)~~(60) "Stabilization" means the use of short-term ~~emergency~~ procedures for the purpose of alleviating an acute condition related to impairment or to prevent further deterioration of a client who is impaired.

~~(70)~~(61) "Substantial Compliance" means an applicant for a new license ~~or a licensed provider applying to add a new component~~, that is in the initial stages of developing services, has demonstrated the ability to implement the requirements of these rules through operating procedures, and is thereby eligible for a probationary license.

~~(71)~~(62) "Substantial Noncompliance" means that a provider operating on a regular license has significant violations, or a pattern of violations, which affects the health, safety, or welfare of clients and, because of those violations, as a consequence, is issued an interim license or is subject to other sanctions as provided for in Section section 397.415, F.S.

~~(72)~~(63) "Summary Notes" means a written record of the progress made by clients involved in intervention services and Level 2 structured prevention services.

(73) "Supportive Counseling" means a form of counseling that is primarily intended to provide information and motivation to clients.

~~(74)~~(64) "Transfer Summary" means a written justification ~~of regarding~~ the circumstances ~~of surrounding~~ the transfer of a client from one component to another or from one provider to another.

(75) "Treatment" means specific clinical and Services such as individual and group counseling.

~~(76)~~(65) "Treatment Plan" means an individualized, written plan course of action that directs all treatment services and is based upon information from the assessment and input from the client served. The plan establishes client goals and corresponding measurable objectives, ~~and~~ time frames for completing objectives, and ~~includes~~ the type and frequency of services to be provided.

Specific Authority 397.321(5) FS. Law Implemented 397.311, 397.321(1), 397.419 FS. History—New 5-25-00, Amended \_\_\_\_\_.

65D-30.003 Department Licensing Licensure and Regulatory Standards.

For purposes of this rule, "district office" and "Substance Abuse Program Office" are used whenever the standards to be implemented are applied to one or the other level of department operations. The term "department" is used whenever there is no distinction in the implementation of standards within department operations.

(1) Licensing Licensure.

(a) License Required. All substance abuse components, as defined in subsection 65D-30.002(16), F.A.C., must be provided by persons or entities that are licensed by the department pursuant to Section 397.401, F.S., unless otherwise exempt from licensing under Section 397.405, F.S., prior to initiating the provision of services.

(b) Licensing Inspections. The district offices will be responsible for conducting licensing inspections and issuing licenses.

(c) Licenses Issued By Premises. One license is required:

1. For each facility that is maintained on separate premises even if operated under the same management; and

2. Where all facilities are maintained on the same premises and operated under the same management.

In both cases, all components shall be listed on the license.

(d) Display of Licenses. Licenses shall be displayed in a prominent, publicly accessible place within each facility.

(e) Special Information Displayed on Licenses. In the case of addictions receiving facilities, detoxification, and residential treatment, each license shall include the licensed bed capacity. The district office shall identify on the license those components provided in each facility that are accredited by a department recognized accrediting organization such as the Rehabilitation Accreditation Commission, known as CARE, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), and Council on Accreditation (COA). In the case of providers or components of providers that are accredited, licenses shall also include the statement, "THIS LICENSE WAS ISSUED BASED, IN PART, ON THE SURVEY REPORT OF A DEPARTMENT RECOGNIZED ACCREDITING ORGANIZATION." This statement would not be included on the license when issuance is also based on the results of the department's licensing inspections.

~~Unless otherwise exempt from licensure, substance abuse providers must be licensed by the department pursuant to Section 397.401, F.S. The department's districts will be responsible for conducting licensure reviews and for issuing licenses, as permitted under section 20.19(10)(e)2., F.S. A license is required for each facility that is maintained on separate premises even and operated under the same management. Only one license is required for all facilities that are maintained on the same premises and operated under the~~

same management. In the case of separate premises, all components provided at each facility shall be listed on the license. However, a district may elect to issue a separate license for each component provided at a given facility on the condition that the amount of licensure fees would be the same as for a single license listing each component service. The license shall be displayed in a prominent, publicly accessible place within each facility. In the case of additions receiving facilities, detoxification, and residential treatment, each license shall include the licensed bed capacity. In addition, those components provided in each facility that are accredited by the Rehabilitation Accreditation Commission, known as CARF, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or other department approved accrediting organization, shall be indicated on the license.

(2) Categories of Licenses; issuance.

(a) Probationary License.

1. Conditions Permitting Issuance. A probationary license is issued to new applicants and to licensed providers adding new components, upon completion of all application requirements.

2. Reissuing a Probationary License. A probationary license expires 90 days after it is issued. The district office department may reissue a probationary the license for one an additional 90-day period. The district office may take this action if it the department determines that the applicant needs additional time to become fully operational and has substantially complied with all requirements for a regular license licensure or has initiated action to satisfy all requirements.

3. Special Requirements Regarding Probationary Licenses Stipulations. The following special requirements are stipulations apply regarding new applicants.:

a. A new applicant shall refrain from providing non-exempt services until a probationary license is issued.

b. New applicants that lease or purchase any real property during the application process do so at their own risk. Such lease or purchase does not obligate the district office department to approve the applicant for licensing licensure.

c. In those instances where an applicant fails to admit clients for services during the initial probationary period, the district office department shall not issue a regular license, even where other standards have been met. However, the district office may reissue a probationary license if it finds that the applicant can provide evidence of good cause for not having admitted clients during the initial 90-day probationary period.

4. Issuing New Licenses. In those instances where all licenses issued to a provider have the same expiration dates, any additional licenses that are issued to the provider during the effective period will carry the same expiration date as provider's existing licenses. Where necessary, licensure fees shall be prorated.

(b) Regular License.

1. No change.

2. Applications for Renewal. In regard to applications for renewal of a regular license, the district office department must receive a completed application no later than 60 days before the provider's current license expires.

3. Effective Dates Date. A regular license is considered to be valid in effect for a period of 12 months from the date of issuance. If In cases where a regular license replaces a probationary license, the regular license shall be valid issued for a period of 12 months from the effective date of the initial probationary license was issued. In cases where a regular license replaces an interim license, the effective period will remain 12 months from the established anniversary date of the regular license shall not change. If a new component is added to a currently licensed facility, or if a component of a currently licensed facility is found to be in noncompliance, separate probationary and interim licenses shall be issued, respectively. Once the conditions required for a regular license have been met, the probationary or interim license shall be converted to a regular license.

(c) Interim License.

1. Conditions Permitting Issuance. An interim license will replace is issued to a provider holding a regular license for a period not to exceed 90 days, where the district office department finds that any one of the following conditions exist.:

a. A facility or component of the provider is in substantial noncompliance with licensing licensure standards.;

b. The provider has failed to provide proof of compliance with fire, safety, or health, or zoning requirements.;

c. No change.

All licensure components within a facility that are affected shall be listed on the interim license.

2. Reissuing an Interim License. The district office department may reissue an interim license for an additional 90 days at the end of the initial 90-day period in the case of extreme hardship, in which noncompliance is not caused by the provider. In this case, reissuing an interim license is permitted when inability to reach full compliance can not be attributed to the provider.

(3) Changing the Status of Licenses. Changes to a provider's license shall be permitted under the following circumstances.

(a) If a new component is added to a facility's regular license, the district office will issue a separate probationary license for that component. Once the provider has satisfied the requirements for a regular license, the district office shall reissue an amended regular license to include the new component.

(b) If a component of a facility operating under a regular license is found to be in substantial noncompliance, a separate interim license will be issued by the district office for that component and the provider will return its regular license to



the district office. The district office will reissue an amended regular license. Once the provider has satisfied the requirements of a regular license for that component, the district office will reissue another amended regular license to include that component.

(c) A provider's current license shall be amended when a component is discontinued. In such cases, the provider shall send its current license to the district office only after receipt of an amended license. Components not affected by this provision shall be permitted to continue operation.

(d) Whenever there is a change in a provider's licensed bed capacity equal to or greater than 10 percent, the provider shall immediately notify the district office which shall, within 5 working days of receipt of notice, issue an amended license to the provider.

(e) When there is a change in a provider's status regarding accreditation, the provider shall notify the district office in writing within 5 working days of such change. In those instances where the change in status will adversely affect the provider's license or requires other sanctions, the district office shall notify the provider within 5 working days of receipt of the notice of the district office's pending action.

(4)(3) License Non-transferable.

(a) No change.

(b) Submitting Applications. A completed application, Form 4024 4026, shall be submitted to the district office department at least 30 days prior to such acquisition or relocation. No services shall be provided until a license has been issued.

1. Acquisition. In addition to Form 4024, the applicant shall be required to submit all items as required in subsection 65D-30.003(6), F.A.C. When the application is considered complete, the district office shall issue a probationary license.

2. Relocation. In addition to Form 4024, if there is no change in the provider's services, the provider shall only be required to provide proof of liability insurance coverage and compliance with fire and safety standards established by the State Fire Marshall, health codes enforced at the local level, and zoning. If there is a change in the provider's services, the provider shall be required to submit all items as required in subsection 65D-30.003(6), F.A.C. In this latter case, when the district office determines the application to be complete, the district office shall issue a probationary license.

(e) Information Required Regarding Relocation. In the ease of relocation, the provider shall be required to provide proof of liability insurance coverage and compliance with fire and safety standards established by the State Fire Marshall and health codes enforced at the local level. If there is no change in the provider's services, the provider shall not be required to submit any additional information.

(4) License Amendment. A provider's current license shall be amended when a component is added or discontinued or there is a change in licensed bed capacity equal to or greater

than 10 percent. Once the provider receives the amended license, the provider shall immediately return the previous license to the department.

(5) Licensing License Fees. Applicants for a license to operate as a licensed service provider as defined in subsection section 397.311(19), F.S. Florida Statutes, shall be required to pay a fee upon submitting an application to the district office department. The fees paid by privately funded providers shall exceed fees paid by publicly funded providers, as required in subsection section 397.407(1), F.S. Florida Statutes. Applicants shall be allowed a reduction, hereafter referred to as a discount, in the amount of fees owed the department. The discount shall be based on the number of facilities operated by a provider. The fee schedules are listed by component as follows:

Publicly Funded Providers	
Licensable Service Component	Fee
Addictions Receiving Facility	\$325
Detoxification	325
Residential Treatment	300
Day or Night Treatment/Host Home	250
Day or Night Treatment	250
<u>Intensive Outpatient Treatment</u>	<u>250</u>
Outpatient Treatment	250
Medication and Methadone	350
Maintenance Treatment	
Aftercare	200
Intervention	200
Prevention	200

Schedule of Discounts	
Number of Licensed Facilities	Discount
2-5	10%
6-10	15%
11-15	20%
16-20	25%
20+	30%

Privately Funded Providers	
Licensable Service Component	Fee
Detoxification	375
Residential Treatment	350
Day or Night Treatment/Host Home	300
Day or Night Treatment	300
<u>Intensive Outpatient Treatment</u>	<u>300</u>
Outpatient Treatment	300
Medication and Methadone	400
Maintenance Treatment	
Aftercare	250
Intervention	250
Prevention	250

Schedule of Discounts

Number of Licensed Facilities	Discount
2-5	5%
6-10	10%
11-15	15%
16-20	20%
20+	25%

(6) Application for Licensing Licensure.

~~(a) New and Renewal License Applications. Applications for licensing shall be submitted initially and annually thereafter to the respective district office along with the licensing required fee. Unless otherwise specified, all applications for licensure shall include the following:~~

~~(a)1. A standard ~~departmental~~ application for licensing licensure, C&F-SA Form 4024, September 2001 June 1999, titled Application for Licensing Licensure to Provide SUBSTANCE ABUSE SERVICES, incorporated herein by reference; Copies copies of which may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700);~~

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

~~(c) A copy of the provider's occupational license and evidence of compliance with local zoning requirements(Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement);~~

~~(d)3. A copy of the client service fee schedule and policy regarding a client's/participant's financial responsibility;~~

~~(e)4. A comprehensive outline of the services to be provided, including the licensed bed capacity for addictions receiving facilities, residential detoxification, and residential treatment, to be submitted with the initial application, with the addition of each new ~~service~~ component, or when there is a change of ownership;~~

~~(f)5. Information that establishes the name and address of the applicant, ~~and~~ its chief executive officer and, if a corporation, the name of each member of the applicant's board, the name of the owner, the names of any officers of the corporation, and the names of any shareholders, ~~with the exception of providers which~~ (Providers that are accredited by department approved accrediting organizations ~~identified in subsection (1) are not required to submit this information~~);~~

~~(g)6. Information on the competency and ability of the applicant and its chief executive officer to carry out the requirements of these rules, ~~with the exception of providers which~~ (Providers that are accredited by department approved accrediting organizations ~~identified in subsection (1) and Inmate Substance Abuse Programs operated directly by the Department of Corrections are not required to submit this information~~);~~

~~(h)7. Proof of the applicant's financial ability and organizational capability to operate in accordance with these rules, ~~with the exception of providers which~~ (Providers that are accredited by department approved accrediting organizations ~~identified in subsection (1) and Inmate Substance Abuse Programs inmate substance abuse programs~~ operated directly by the Department of Corrections ~~staff are not required to submit this information~~);~~

~~(i)8. Proof of professional and property liability insurance coverage, ~~with the exception of~~ (Inmate Substance Abuse Programs inmate substance abuse programs operated directly by the Department of Corrections ~~staff are not required to submit this information~~);~~

~~(j)9. Confirmation of completion of basic HIV/AIDS education requirements pursuant to Section section 381.0035, F.S., for renewal applications;~~

~~(k)10. No change.~~

~~(l)12. No change.~~

~~(m)11. Verification of certification from the Substance Abuse and Mental Health Administration ~~compliance with federal requirements~~ relating to medication and methadone maintenance treatment, submitted with the initial application and documented approval from the Substance Abuse and Mental Health Administration and where there is a change of owner, sponsor, or physician;~~

~~(n)13. The Drug Enforcement Administration DEA registration for medication and methadone maintenance treatment a pharmacy;~~

~~(o)14. The Drug Enforcement Administration DEA registration for all physicians;~~

~~(p)15. A state of Florida pharmacy permit for medication and methadone maintenance treatment and any provider with a pharmacy;~~

~~(q)16. Verification of the services of a consultant pharmacist for medication and methadone maintenance treatment and any provider with a pharmacy; ~~as required under section 65D-30.014;~~~~

~~(r)17. No change.~~

~~(s)18. No change.~~

~~(t)19. Proof of the availability and provision of meals nutritional services for addictions receiving facilities, residential detoxification, residential treatment, day or night treatment with host homes, and day or night treatment, if applicable in the latter component; ~~and~~~~

~~(u)20. Verification that a medical director has been is designated for addictions receiving facilities, detoxification, residential treatment, and medication and methadone maintenance treatment; ~~and -~~~~

~~(v) Verification that the Chief Executive Officer has submitted proof in writing that the provider is following the requirements in Chapter 65D-30, F.A.C.~~

Items listed in paragraphs (a)-(k) subparagraphs 1-11, must accompany the application for a license licensure. However, regarding items in paragraph (h), only new applicants will be required to submit this information with the application. Items listed in paragraphs (l)-(v) subparagraphs 12-20, including items in paragraph (h) for renewal applicants, must be made available for review at the provider facility. In addition, those documents items listed in paragraphs (a)-(v) subparagraphs 1-20 that expire during the licensure period the license is in effect shall be renewed by the provider prior to expiration and verification shall be given to the district office shall be notified by the provider in writing immediately upon renewal or in the event renewal does not occur.

(7) Licensing Inspections of Accredited Providers. This subsection implements Section 394.741, F.S. This subsection applies to licensing inspections of providers or components of providers that are Providers accredited by the Rehabilitation Accreditation Commission, known as CARF, Joint Commission on Accreditation of Healthcare Organizations (JCAHO), Council on Accreditation (COA), or other department approved accrediting organizations shall, with their request for licensure and items required in section 397.403(3), F.S., submit proof of full accreditation for those components that are accredited.

(a) Licensing Inspections Inspection of Accredited Providers. For those providers or components of providers that are accredited, the district office department may accept, in lieu of conducting a licensure inspection, the survey report of the accrediting organization. However, the department shall conduct a licensing full licensure inspection of accredited providers or components of providers once every 3 years. Proof of compliance with fire and safety standards and health standards must be provided to the department annually. The department shall conduct compliance and sample validation inspections in those cases where:

1. The accredited organization or component fails to submit the accreditation report and any corrective action plan related to its accreditation following a survey;
2. The accredited organization or component has not received full accreditation and is not in substantial compliance with the licensure requirements based on the survey report;
3. Complaints have been received and substantiated by the department during the year of the annual licensing inspection; or
4. The accreditation report has not been received within 120 days of the annual survey date following accreditation and each renewal of accreditation.

(b) License Application. Accredited providers shall submit an application for licensing, Form 4024, to the district office annually. The form shall be accompanied by: Determination of Compliance. Upon receipt of the accreditation report, the

department shall review the findings to determine if the organization or component is in compliance with licensure standards.

1. Proof of compliance with fire and safety standards, health standards, and zoning;

2. A copy of the survey report including any information regarding changes in the provider's accreditation status; and

3. In addition, the provider's Chief Executive Officer shall submit in writing to the department that the provider is following the standards for licensing required in Chapter 65D-30, F.A.C.

(c) Determination of Accreditation. As indicated in paragraph (b), providers shall submit a copy of the accreditation survey report to the district office annually. The district office shall review the report and confirm that accreditation has been awarded for the applicable components. If the survey report indicates that the provider or any components of the provider have been issued provisional or conditional accreditation, the district office shall conduct a licensing inspection as permitted in paragraph (d). Department Decision to Conduct Inspection. The department shall notify the organization within 60 days of receipt of the accreditation report whether or not it will accept the report in lieu of a state inspection. This includes a brief statement of any standards found to be in non-compliance or not covered by the survey report.

(d) Inspections of Accredited Providers. In addition to conducting licensing inspections every three years, district offices have the right to conduct inspections of accredited providers in accordance with subsection 394.741(6), F.S., and subSections 397.411(3), (4), and (5), F.S., in those cases where any of the following conditions exist. Joint Surveys. The department may elect to participate in the survey process conducted by the accrediting organization. The department shall submit a request to participate directly to the accrediting organization and the affected provider. In those instances where a provider denies the department's request, the department shall retain the option of conducting a full inspection.

1. The accredited provider or component of the provider fails to submit the accreditation report and any corrective action plan related to its accreditation upon request by the district office.

2. The accredited provider or component of the provider has not received or has not maintained accreditation as provided for in paragraph (c).

3. The district office's investigation of complaints results in findings of one or more violations of the licensing standards of any accredited component.

4. The district office has identified significant health and safety problems.

The district office shall notify the provider of its intent to conduct an inspection in response to any of the conditions provided for under this paragraph.

(8) Authorized Agents; qualifications Department Licensure Procedures.

(a) ~~Authorized Agents.~~ Prior to being designated as an authorized agent of the department a person shall:

(a)1. ~~Demonstrate knowledge of the state's substance abuse services service system;~~

(b)2. ~~Demonstrate knowledge of Chapter 397, F.S., Chapter 65D-30, F.A.C., department policy related to licensing and regulation of providers, and federal regulations which directly affect the department or providers, applicable accreditation standards, and other rules and statutes referenced herein;~~

(c)3. ~~Demonstrate skill in conducting licensing inspections, the use of licensing instruments, and preparing accurate reports of findings from licensing licensure inspections; and~~

(d)4. ~~Demonstrate knowledge of the specific services rendered by substance abuse providers within the agent's area of jurisdiction; and~~

(e) ~~Participate in a formal in-service training program developed and conducted by designated department staff with the commensurate training and experience provided for in paragraphs (a)-(d).~~

(9) Department Licensing Procedures.

(a)(b) ~~Department District Office Licensure Licensure Procedures.~~ The district offices shall be responsible for licensing licensure of providers operating within their geographic boundaries jurisdiction and as permitted under section 20.19(10)(c)2., F.S.

1. Application Process. The district offices districts shall process all new and renewal applications for licensing licensure and shall notify both new and renewal applicants in writing within 30 days of receipt of the application that it is complete or incomplete. Where In those instances where an application is incomplete, the district office shall specify in writing to the applicant the items that are needed to complete the application in need of completion. Following receipt of the district office's district's response, the applicant shall have 10 working days to submit the required information to the district office. If the applicant needs additional time to submit the required information it may request such additional time within 5 days of the deadline for submitting the information. That request shall be approved or denied by the district office within 5 days of receipt, the applicant shall submit a request to the district in writing within 5 working days of receipt of the district's response requesting that additional time is needed to produce the required information. Districts shall notify the applicant immediately upon receipt of the applicant's request for additional time of its decision to approve or deny the request. Any renewal applicant that fails to meet these

deadlines shall be assessed an additional fee equal to the late fee provided for in subsection 397.407(3), F.S., \$100 per licensed component.

2. Licensing Inspection. The district office Districts shall notify each applicant of its intent to conduct an on-site licensing inspection and of the proposed date and time of the inspection. The district office Districts shall include the name(s) of the authorized agents agent of the department who will conduct the inspection and the specific components services and facilities to be inspected. This notification, however, shall not prohibit the district office districts from inspecting other components services or facilities maintained by a the provider at the time of the scheduled review. For accredited providers, such inspection is subject to paragraph 65D-30.003(7)(d), F.A.C.

3. Licensing Licensure Determination. When conducting licensing inspections, the district offices shall use the "Substance Abuse Monitoring Instrument," dated October 1, 2002. A performance-based rating system shall be used to evaluate in evaluating a provider's level of compliance with licensing licensure standards. Providers This system shall require that providers attain at least 80 percent compliance overall on each component reviewed all areas reviewed during an inspection. This means that each component within a facility operated by a provider is subject to the 80 percent compliance requirement. If any component within a facility falls below 80 percent compliance, an interim license would be issued for that component. In addition However, there may be instances where a component is rated at provider has attained an 80 percent level of compliance overall but is in substantial noncompliance with standards violation of a requirement related to the health, safety, and welfare of clients and staff. This would include significant or chronic violations regarding standards that do not involve direct services to clients. In such cases, the district office districts shall issue an interim license to the provider or take other regulatory action permitted in Section 397.415, F.S. subsection (10).

4. Notifying Providers Regarding Disposition on Licensing Licensure. In the case of new and renewal applications, the district office districts shall give written notice communicate in writing to the applicant as required in subsection 120.60(3), F.S., that the district office has granted or denied its application for a license. its decision to issue or deny a probationary license within the 90-day period following receipt of the completed application. In the case of new applicants, this shall occur within the 90-day period following receipt of the completed application. In the case of renewal applicants applications, this shall occur districts shall communicate in writing to the applicant its decision on licensure prior to expiration of the current license.

5. Reports of Licensing Inspections. The district offices Districts shall prepare and distribute to providers a report of licensing inspections that shall include:

- a. No change.
- b. The names and titles of principal provider staff interviewed;
- c. through f. No change.
- g. The name and title of each authorized agent of the department, reviewer;

6. Distribution of Licenses and Notices Reports. For new and renewal applications, district offices ~~districts~~ shall send providers ~~the provider~~ an original signed license along with the written notice as described in subparagraph 4, and notice of the right of appeal as required by section 120.57, F.S., prior to the expiration of the existing license. For new applications, the license and notice shall be sent within the 90-day period following receipt of the completed application. Concurrently, ~~districts shall send a copy of the license and the notice of the right of appeal to the department's Substance Abuse Program Office.~~ Additionally, any adverse action by district offices (e.g., issuance of an interim license, license suspension, denial, or revocation, or fine or moratorium) shall be accompanied by notice of the right of appeal as required by Chapter 120, F.S.

7. Content of Licensing ~~Licensure~~ Records. The district offices ~~Districts~~ shall maintain current licensing ~~licensure~~ files on each provider licensed under Chapter 397, F.S. The contents of the files shall include those items listed under paragraphs 65D-30.003(6)(a)-(k), F.A.C., and subparagraph 65D-30.003(9)(a)5., F.A.C. paragraph (6)(a) and subparagraph(8)(b)5.

8. Listing of Licensed Providers. The district offices ~~Districts~~ shall maintain a current listing of all licensed providers by components, with ~~corresponding~~ license expiration dates.

9. Complaint Log. The district offices ~~Districts~~ shall maintain a ~~continuous~~ log of complaints regarding providers. The log shall include the date the complaint was received, dates review was initiated and completed, and all findings, penalties imposed, and other information relevant to the complaint.

(b)(e) Department Substance Abuse Program Office Licensing Procedures.

1. Records. ~~The department's Substance Abuse Program Office shall maintain a record of all licensed providers, and~~

2. Monitoring. ~~The department's Substance Abuse Program Office shall monitor the implementation of the licensing licensure process from a statewide perspective and analyze conduct an analysis of provider performance relative to the results of licensing licensure reviews.~~

(9) Right to Conduct Inspections. ~~The department may enter and inspect at any reasonable time, with or without prior notification, all facilities of a provider which are licensed and those for which licensure is pending, to ensure compliance with these rules. However, in the case of inmate substance abuse programs operated by the Department of Corrections and substance abuse services provided in secure facilities operated~~

~~or contracted by the Department of Juvenile Justice, due to reasons related to security, such entry and inspection shall be permitted only with prior notification. Notification of entry and inspection shall be given directly to the facility's superintendent or designee and shall not be unreasonably denied.~~

~~in cases where the department suspects that services are being delivered by an unlicensed provider, such entry and inspection shall be made only with permission of the provider or pursuant to warrant. An authorized agent of the department is permitted to conduct interviews with staff and clients during an inspection and to review clinical and medical records and any other records of the provider.~~

~~(10) Denial, Suspension, and Revocation of Licenses, and Fines and Moratoriums.~~

~~(a) If the department determines that a provider or component of a provider is not in compliance with statutory and regulatory requirements, the department, in addition to, or in lieu of issuing an interim license, may deny, suspend, revoke, or impose reasonable restrictions or penalties on the license or any portion of the license. In such cases, the department:~~

~~1. May impose a moratorium on admissions to any component of a provider if the department determines that conditions within such component are a threat to the health or safety of clients and the public.~~

~~2. May impose an administrative penalty of up to \$500 per day against a provider operating in violation of any fire-related, safety-related, or health-related statutory or regulatory requirement.~~

~~3. May suspend, revoke, or deny a license if it determines that a provider has failed to correct the substantial or chronic violation of any statutory or regulatory requirement that affects the quality of client care.~~

~~(b) If a provider's license or any component of a provider's license is revoked, the provider is barred from submitting an application for licensure to the department for a period of 12 months after revocation.~~

~~(c) Where a license has been suspended, the provider will be required to apply for re-instatement of a regular license.~~

~~(d) A license shall be revoked in those instances where a provider submits any materials required by licensure that are fraudulent or that have been changed from their original content and such action on the part of the provider shall be referred to the State Attorney in the county or circuit in which the licensee is located.~~

~~(e) When considering denials, suspensions, and revocations and imposing fines and moratoriums, the department shall consider the severity of the violation, actions taken by the provider to correct the violation, previous violations by the provider, and the effect of resulting actions on the community.~~

~~(10)(11)~~ Closing a Licensed Provider. Providers shall notify the district offices department in writing at least 30 days prior to voluntarily ceasing operation. If a provider, facility, or component is ordered closed by ~~the department~~ or a court of competent jurisdiction pursuant to subsection section 397.415(4), F.S., the provider shall maintain possession of all its records until the court order becomes final question of closing is resolved. The provider remains responsible for giving the district office department access to its records. In the interim, the provider, with the district office's department's assistance, shall attempt to place all active clients in need of care with other providers. The respective ~~department~~ district office shall provide assistance in placing clients ~~and for~~ ensuring that all placements are completed in accordance with Title 42, Code of Federal Regulations, Part 2, and section 397.501(7), F.S. The provider shall return its license to the district office District Alcohol, Drug Abuse, and Mental Health Program Office by the designated date of closure.

~~(11)(12)~~ Department Recognition of Accrediting Organizations. The ~~department recognizes the~~ Rehabilitation Accreditation Commission, also known as CARF, ~~and~~ the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Council on Accreditation (COA), and the National Committee on Quality Assurance are department recognized as the approved accrediting organizations. Organizations Additional organizations not specified in Chapter 397, F.S., and that desire department recognition approval shall submit a request in writing to the department. The request shall be made in writing to the Director for Substance Abuse who shall respond in writing to the organization's chief executive officer denying or granting recognition. The department shall maintain a list of recognized organizations. An organization must meet the following criteria in order to be considered for recognition by the department. ~~In order for an organization to be considered by the department, the organization shall meet the following criteria:~~

(a) through (c) No change.

(12) Department Recognition of Certifying Organizations for Addiction Professionals.

(a) An organization which desires recognition by the department as a certifying organization for addiction professionals shall request such approval in writing from the department. Organizations seeking approval shall be non-profit and governed by a Board of Directors that is representative of the population it intends to certify and shall include specific requirements which applicants must meet to be certified as addiction professionals. An organization seeking recognition must include in its certification protocol:

1. Six thousand hours of direct experience as a substance abuse counselor under the supervision of a qualified professional, within the 10 years preceding the application for certification;

2. Three hundred hours of specific supervision under a qualified professional in the core function areas, as described in the International Certification and Reciprocity Consortium role delineation study;

3. Contact education as follows:

a. For certification as a certified addiction professional, 145 hours of addiction counseling education and 125 hours of counseling education;

b. For certification as a certified criminal justice addiction professional, 100 hours in criminal justice education, 90 hours in addiction education, and 80 hours of counseling education;

c. For certification as a certified addiction prevention professional, 200 hours in prevention and early intervention education and 100 hours of addiction education; and

d. For all applicants for certification, 30 hours of ethics, 4 hours of HIV/AIDS, and 2 hours of domestic violence.

4. Completion of the International Certification Reciprocity Consortium written examinations based on a national role delineation study of alcohol and drug abuse counselors;

5. Case presentations which include the development of a case in writing and an oral presentation before a panel of certified counselors; and

6. Continuing education requiring a minimum of 20 continuing education units (CEUs) annually by providers approved by the certifying organization.

(b) Certifying organizations which meet the requirements in paragraph (a) may request review by the department. The request shall be made in writing to the Director for Substance Abuse who shall respond in writing to the organization's chief executive officer denying or granting recognition.

(13) Approval of Overlay Services.

(a) Qualifying as Overlay Services. A provider that is licensed under Chapter 397, F.S., to provide day or night treatment, intensive outpatient treatment, outpatient treatment, intervention, or prevention Level 2, is permitted to deliver those component services at locations which are leased or owned by an organization other than the provider. The aforementioned component services may be delivered under the authority of the provider's current license for that component service so that the alternate location will not require a license. To qualify, overlay services shall be provided on a regular or routine basis over time, at an agreed upon location.

(b) Procedure for Approving Overlay Services.

1. The provider shall submit a request to provide overlay services to the district office along with:

a. A description of the services to be provided;

b. The manner in which services will be provided;

c. The number of days each week and the number of hours each day each service will be provided;

d. How services will be supervised; and

e. The location of the services.

2. The district office shall notify the provider within 30 days of receipt of the request to provide overlay services of its decision to approve or deny the request and, in the case of denial, reasons for denying the request in accordance with subparagraph 3.

3. The district office reserves shall deny the request to provide overlay services if it determines that the provider did not address the specific items in subparagraph 1., or is currently operating under less than an interim license.

4. In those cases where the request to provide overlay services is approved, the district office shall add to the provider's current license application, the information required in subparagraph 1., and clearly specify the licensed component that will be provided as overlay.

(c) Special Requirements.

1. Services delivered at the alternate site must correspond directly to those permitted under the provider's current license.

2. Information on each client involved in an overlay service must be maintained in a manner that complies with current licensing requirements.

3. Overlay services are subject to all requirements of the corresponding level of licensure, and are subject to inspection by the department.

4. Overlay services may only be provided within the geographical boundaries of the district office that issued the license.

(14) Licensing of Private Practices. The following shall apply to private practices that are not exempt from licensing pursuant to Chapter 397, F.S. Such practices shall:

(a) Comply with the requirements found in Rule 65D-30.004, F.A.C., and are permitted to operate pursuant to Rules 65D-30.009, 65D-30.0091, 65D-30.010, 65D-30.011, 65D-30.012, and 65D-30.013, F.A.C.;

(b) Be exempt from subparagraphs 65D-30.004(4)(a)1.-4., F.A.C., if the private practice is operated out of shared office space where there is no employee/employer relationship; and

(c) Provide services only as permitted by the authority granted by statute and Chapter 65D-30, F.A.C., and will be prohibited from providing services outside the scope of the statute and these rules.

(15) Licensing of Department of Juvenile Justice Commitment Programs and Detention Facilities. In those instances where substance abuse services are provided within Juvenile Justice Commitment Programs and detention facilities, such services may be provided in accordance with any one of the four conditions described below.

(a) The services must be provided in a facility that is licensed under Chapter 397, F.S., for the appropriate licensable service component as defined in subsection 65D-30.002(16), F.A.C. Additionally, a residential commitment program that provides substance abuse treatment may be licensed under

residential treatment, day or night treatment, or outpatient treatment, based upon contractual conditions as required by the Department of Juvenile Justice.

(b) The services must be provided by employees of a service provider licensed under Chapter 397, F.S.

(c) The services must be provided by employees of the commitment program or detention facility who are qualified professionals licensed under Chapters 458, 459, 490, or 491, F.S.

(d) The services must be provided by an individual who is an independent contractor who is licensed under Chapters 458, 459, 490, or 491, F.S.

(16) Licensing of Department of Corrections Inmate Substance Abuse Programs. Inmate substance abuse services shall be provided within inmate facilities operated by or under contract with the Department of Corrections as specifically provided for in these rules. The inmate facility is licensed under Chapter 397, F.S., in accordance with the requirements in Rule 65D-30.004, F.A.C., and the appropriate component under Rules 65D-30.007, 65D-30.009, 65D-30.0091, 65D-30.010, 65D-30.011, 65D-30.012, or 65D-30.013, F.A.C.

Specified Authority 397.321(5) FS. Law Implemented 20.19(10), 397.321(1), 397.401, 397.403, 397.405, 397.406, 397.407, 307.409, 397.411, 397.415, 397.419, 397.752, 633.022 FS. History—New 5-25-00, Amended \_\_\_\_\_.

65D-30.004 Common Licensing Licensure Standards.

(1) Operating Procedures. Providers shall demonstrate organizational capability through a written, ~~standards~~ ~~providing an organized,~~ indexed system of policies and procedures that are descriptive of services and the population served which will be based on and ensure compliance with these licensure standards. All staff shall have a working knowledge of the operating procedures. These operating procedures shall be available for review by the department.

(2) Quality Assurance. Providers shall have a quality assurance/~~quality management~~ program which complies with the requirements established in ~~Section~~ ~~section~~ 397.419, F.S., and which ensures the use of a continuous quality improvement process.

(3) Provider Governance and Management

(a) Governing Body. Any provider that applies for a license, shall be a legally constituted entity. Providers that are government-based and providers that are for-profit and not-for-profit, as defined in ~~subsections~~ ~~section~~ 397.311(13) and (20), F.S., ~~respectively,~~ shall have a governing body that shall set policy for the provider. ~~The governing body shall meet face to face at least once every three months.~~ The governing body shall maintain a record of all meetings where business is conducted relative to provider operations. These records shall be available for review by the department.

(b) No change.

(c) Chief Executive Officer. The governing body shall appoint a chief executive officer. The qualifications and experience required for the position of chief executive officer

shall be defined in the provider's operating procedures. Documentation shall be available from the governing body providing evidence that a background screening has been completed in accordance with Chapter 397, F.S., and Chapter 435, F.S., and there is no evidence of a disqualifying offense. Providers shall notify the district office in writing when a new chief executive officer is appointed.

Inmate Substance Abuse Programs ~~Inmate substance abuse programs~~ operated ~~directly~~ by the Department of Corrections ~~staff~~ are exempt from the requirements of this paragraph. Juvenile Justice Commitment Programs and detention facilities operated by the Department of Juvenile Justice, are exempt from the requirements of this paragraph.

(4) Personnel Policies.

(a) Personnel Records.

1. through 3. No change.

4. A signed document indicating that the employee has received new staff orientation and understands the personnel policies, the infectious disease risk of working in the agency, the provider's universal infection control procedures, standards of ethical conduct including sexual harassment, abuse reporting procedures, and policies regarding client rights and confidentiality;

5. through 6. No change.

7. Documentation of required staff training, ~~including new staff orientation.~~

(b) Screening of Staff. Owners, chief financial officers, and directors, and ~~Except as otherwise provided in section 397.451(1)(b),(g), F.S., all~~ staff, volunteers, and host families who have direct contact with clients as provided for under Section 397.451, F.S., unmarried clients under the age of 18 years or with clients who are developmentally disabled shall be fingerprinted and have a background check completed ~~in accordance with section 397.451(3), F.S.~~ In addition, individuals shall be re-screened within 5 years from the date of employment. Re-screening shall include a level II screening in accordance with Chapter 435, F.S.

Inmate Substance Abuse Programs ~~Inmate substance abuse programs~~ operated ~~directly~~ by or under contract with the Department of Corrections ~~staff~~ are exempt from the requirements in this paragraph.

(5) No change.

(6) Medical Director. This requirement applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment. Providers ~~The provider~~ shall designate a medical director who shall oversee all medical services. The medical director's responsibilities shall be clearly described. The provider shall notify the district office in writing when there is a change in the medical director and provide proof that the new medical director holds a current license in the state of Florida. In those cases where a provider operates components that are not

identified in this subsection, the provider shall have access to a physician who will be available to consult on any medical services required by clients involved in those components and as required by these rules.

(7) Medical Services.

(a) Medical Protocol. For those components identified in subsection 65D-30.004(6), F.A.C., each physician working with a provider ~~Each provider's medical director~~ shall establish written protocols for the provision of medical services pursuant to Chapters 458 and 459, F.S., and for managing medication according to medical and pharmacy standards, pursuant to Chapter 465, F.S. Such protocols will be implemented only after written approval by the Chief Executive Officer and medical director. The medical protocols shall also include:

1. The manner in which certain medical functions may be delegated to Advanced Registered Nurse Practitioners and Physician's Assistants in those instances where these practitioners are utilized as part of the clinical staff;

2. Issuing orders; and

3. Signing and countersigning results of physical health assessments.

All medical protocols shall be reviewed and approved by the medical director and chief executive officer on an annual basis and shall be available for review by the department.

~~In those cases where there is no requirement for a medical director, providers shall have access to a physician who will be available to consult on any medical services required by these rules.~~

(b) Emergency Medical Services. All licensed providers ~~Providers~~ shall describe the manner in which medical emergencies shall be addressed.

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections ~~Inmate substance abuse programs~~ are exempt from the requirements of ~~this subsection 65D-30.004(7), F.A.C., paragraph~~ but shall provide such services as required by Chapter 33-19, F.A.C. Florida Administrative Code, titled Health Services. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.

(8) State Approval Regarding Prescription Medication. In those instances where the provider utilizes prescription medication, medications shall be purchased, handled, administered, and stored in compliance with the State of Florida Board of Pharmacy requirements for facilities which hold Modified Class II Institutional Permits and in accordance with Chapter 465, F.S. This shall be implemented in consultation with a state-licensed consultant pharmacist, and



approved by the medical director. The provider shall ensure that policies implementing this subsection are reviewed and approved annually by a state-licensed consultant pharmacist. Inmate Substance Abuse programs operated by or under contract with the Department of Corrections ~~Inmate substance abuse programs~~ are exempt from the requirements of this subsection but shall provide such services as required by Chapter 465, F.S. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection, but shall provide such services as required by Chapter 465, F.S.

~~(9) Urine Drug Screen. Urine drug screens shall be conducted on clients for the purpose of monitoring substance use as prescribed by the treatment plan or intervention plan.~~

~~(9)(10) Universal Infection Control. This requirement applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment.~~

(a) Plan for Exposure Control.

1. A written plan for exposure control regarding infectious diseases shall be developed and shall apply to all staff, volunteers, and clients. The plan shall be initially approved and ~~periodically~~ reviewed annually by the medical director or consulting physician and medical staff. The plan shall be in compliance with Chapters 381 and 384, F.S., and Chapters 64D-2 and 64D-3, F.A.C.

2. No change.

(b) Required Services. The following Universal Infection Control Services shall be provided:

1. through 2. No change.

3. Reporting of communicable diseases to the Department of Health in accordance with Sections ~~sections~~ 381.0031 and 384.25, F.S.

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections ~~Inmate substance abuse programs~~ are exempt from the requirements of this subsection but shall provide such services as required by Chapter 945, F.S., titled Department of Corrections. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.

~~(10)(11) Universal Infection Control Education Requirements for Employees and Clients. Providers shall meet the educational requirements for HIV and AIDS pursuant to Section~~ ~~section~~ 381.0035, F.S., and all infection prevention and control educational activities shall be documented.

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections ~~Inmate substance abuse programs~~ are exempt from the requirements of this subsection but shall provide such services as required by Chapter 945, F.S., titled Department of Corrections. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.

~~(11)(12) Meals. At least three nutritious meals per day shall be provided to clients in addictions receiving facilities, residential detoxification, residential treatment, and day or night treatment with host homes. In addition, at least one nutritious snack shall be provided each day. For day or night treatment, the provider shall make arrangements to serve a meal to those clients involved in services a minimum of five hours at any one time. Clients with special dietary needs shall be reasonably accommodated. Under no circumstances may food be withheld for disciplinary reasons. The provider shall document and ensure that nutrition and dietary plans are reviewed and approved by a Florida registered dietitian at least annually.~~

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections ~~Inmate substance abuse programs~~ are exempt from the requirements of this subsection but shall provide such services as required by Chapter 33-204, F.A.C. Florida Administrative Code, titled Food Services. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.

~~(12)(13) Client/Participant Records.~~

(a) Record Management System. Client/participant records shall be kept secure from unauthorized access and maintained in accordance with 42 Code of Federal Regulations, Part 2 and subsection ~~section~~ 397.501(7), F.S. Providers shall have Client record management procedures ~~shall include requirements~~ regarding content, organization, and use of records. ~~Signatures on all records shall be original. In those instances where records are maintained electronically, a staff identifier code will be acceptable in lieu of a signature. Documentation within records shall not be deleted. Amendments or marked-through changes shall be initialed and dated by the individual making such changes.~~

The record management system shall meet the following additional requirements.

1. Original client records shall be signed in ink and by hand.

2. Record entries shall be legible.

3. In those instances where records are maintained electronically, a staff identifier code will be accepted in lieu of a signature.

4. Documentation within records shall not be deleted.

5. Amendments or marked-through changes shall be initialed and dated by the individual making such changes.

(b) Record Retention and Disposition. In the case of individual client/participant records, records shall be retained for a minimum of seven years. The disposition of client/participant records shall be carried out in accordance with Title 42, Code of Federal Regulations, Part 2, and subsection section 397.501(7), F.S. In addition, records shall be maintained in accordance with Children and Families Operating Procedures (CFOP) 15-4, Records Management, and Children and Families Pamphlet (CFP) 15-7, Records Retention Schedule used by Children and Families, incorporated herein by reference.

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the time period specified for the retention of records and from applying the Children and Families Operating Procedures (CFOP) 15-4, Records Management, and Children and Families Pamphlet (CFP) 15-7, Records Retention Schedule. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements found in the Children and Families Operating Procedures (CFOP) 15-4, Records Management, and the Children and Families Pamphlet (CFP) 15-7, Records Retention Schedule.

(c) Information Required in Client/Participant Records.

1. The following applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment. Information shall include:

a. through b. No change.

c. Voluntary informed consent for treatment or an the order to treatment ~~Order to Treatment~~ for involuntary admissions and for criminal and juvenile justice referrals;

d. Informed consent for a ~~urine~~ drug screen, when conducted;

e. through h. No change.

i. Diagnostic services, when provided;

j. No change.

k. Abbreviated treatment plan, for addictions receiving facilities and detoxification;

~~l.k.~~ Initial treatment plans, where indicated, and treatment plans; and subsequent reviews, except for addictions receiving facilities and detoxification;

~~m.l.~~ No change.

~~n.m.~~ Record of disciplinary problems, when they occur;

~~o.n.~~ Record of ancillary services, when provided;

~~p.o.~~ A Record record of medical prescriptions and administration of medication, when provided;

~~q.p.~~ Reports to the criminal and juvenile justice systems, when provided;

~~r.q.~~ Copies of service-related correspondence, generated or received by the provider, when available;

~~s.r.~~ No change.

~~t.s.~~ A discharge summary plan.

In the case of medical records developed and maintained by the Department of Corrections on inmates participating in inmate substance abuse programs, such records shall not be made part of information required in subparagraph 1. Such records and shall be made available to authorized agents of the department only on a need-to-know basis.

2. The following applies to aftercare. Information shall include:

a. through b. No change.

c. Informed consent for ~~urine~~ drug screen, when conducted;

d. through f. No change.

g. Record of disciplinary problems, when they occur;

h. Record of ancillary services, when provided;

i. A record of medical prescriptions and administration of medication, when provided;

j. Reports to the criminal and juvenile justice systems, when provided;

k. Copies of service-related correspondence, generated or received by the provider; and

l. Transfer summary, if transferred; and

~~m.l.~~ A discharge summary Plan.

3. The following applies to intervention. Information shall include:

a. through b. No change.

e. Identified risk and protective factors;

~~c.d.~~ No change.

~~d.e.~~ Informed consent for a ~~urine~~ drug screen, when conducted;

~~e.f.~~ No change.

~~f.g.~~ No change.

~~g.h.~~ Intervention plan, when required for persons continuing in intervention services beyond 30 days;

~~h.i.~~ No change.

~~j.~~ Record of attendance and contacts, with the exception of ease management;

~~i.k.~~ Record of disciplinary problems, when they occur;

~~j.l.~~ Record of ancillary services, when provided;

~~k.m.~~ Reports to the criminal and juvenile justice systems, when provided;

~~l.n.~~ Copies of service-related correspondence, generated or received by the provider;

~~m.o.~~ No change.

~~n.p.~~ A discharge summary plan;

4. The following applies to Level II prevention:  
Information shall include:

a. Identified risk and protective factors for the target population ~~Identification of target population, including target population demographics and identified risk and protective factors;~~

b. Record of activities including description, date, duration, ~~number of participants~~, purpose, ~~evaluation of effectiveness~~, and location of service delivery;

c. through g. No change.

h. Informed consent for release of information; ~~and~~

i. Completion of services summary of participant involvement and follow-up information; ~~and~~

j. Transfer summary, if referred to another placement.

~~Items in sub-subparagraphs a.-i. are required for indicated prevention services. Items in sub-subparagraphs a.-e. are required for selective prevention services. Items in sub-subparagraphs a. and b. are required for universal prevention services.~~

~~(13)(14) Screening. This requirement applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, day or night treatment, intensive outpatient treatment, outpatient treatment, medication and methadone maintenance treatment, and intervention.~~

~~(a) Determination of Appropriateness and Eligibility for Placement Admission. The condition and needs of the client shall dictate the urgency and timing of screening. For example, in those cases involving an involuntary placement admission, screening may occur after the client has been placed in a component such as detoxification. Persons requesting services shall be screened to determine appropriateness and eligibility for placement or other disposition admission. Required documentation of screening shall include a record of whether the person is:~~

- ~~1. Not in need of services;~~
- ~~2. Appropriate for services;~~
- ~~3. Not appropriate for services at screening site; or~~
- ~~4. Appropriate for referral elsewhere.~~

~~The person conducting the screening shall document provide the rationale for any action taken in subparagraphs 1.-4.~~

~~(b) Consent for Drug Screen and Release of Information. If required by the circumstances pertaining to the client's need for screening, or dictated by the standards for a specific component, clients shall give informed consent for a urine drug screen and release of information. In the latter case, consent for release shall be signed by the client only if the form is completed and includes information required in 42 Code of Federal Regulation, Part 2.~~

~~(c) Consent for Release of Information. Consent for the release of information shall include information required in 42 Code of Federal Regulations, Part 2., and may be signed by the client only if the form is complete.~~

~~(d) Consent for Services. A consent for services form shall be signed by the client prior to or upon placement, with the exception of involuntary placements.~~

~~(14)(15) Assessment. Each client placed into an addictions receiving facility, detoxification, residential treatment, day or night treatment with host homes, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment admitted for services shall undergo an assessment of the nature and severity of their substance abuse problem. The assessment shall include a physical health assessment and a psychosocial assessment.~~

~~(a) Physical Health Assessment. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections Inmate substance abuse programs are exempt from the requirements of this paragraph but shall provide such services as required in Chapter 33-19, F.A.C., Florida Administrative Code, titled Health Services. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.~~

~~1. Nursing Physical Screen. A nursing physical screen shall be completed on each person considered for placement in admission to an addictions receiving facility or a detoxification component. The screen shall be completed by an R.N. or by an and L.P.N. and countersigned by working under the supervision of an R.N. The results of the screen shall be documented by the nurse providing the service and signed and dated by that person. If the nursing physical screen is completed in lieu of a medical history, further action shall be in accordance with the medical protocol established under subsection 65D-30.004(7), F.A.C.~~

~~2. Medical History. A medical history shall be completed on each client, as follows:~~

~~a. For addictions receiving facilities, detoxification, residential treatment, and day or night treatment with host homes, and medication and methadone maintenance treatment, the history shall be completed within 30 calendar days prior to placement, or within one calendar day of placement 24 hours of admission.~~

~~b. For medication and methadone maintenance treatment, the history shall be completed upon admission.~~

~~b.e. For day or night treatment, intensive outpatient treatment, and for outpatient treatment, each client or legal guardian shall complete a medical history shall be completed within 30 calendar days prior to or upon placement admission.~~

For the components identified in sub-subparagraph a. ~~sub-subparagraphs a. and b.~~, the medical history shall be completed by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. ~~Further, the an A.R.N.P., a P.A., an R.N., or an L.P.N.,~~ The history shall be reviewed, signed and dated by the physician person providing the service in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. ~~If the medical history is not completed by a physician, it shall be reviewed, countersigned, and dated by the physician within 24 hours of completion.~~ For the components ~~component~~ identified in sub-subparagraph b.e., the medical history shall be completed by the a client or the client's legal guardian. For all components, the medical history shall be maintained in the client record and updated annually if a client remains in treatment for more than 1 year.

3. Physical Examination. A physical examination shall be completed on each client, as follows:

a. For addictions receiving facilities and ~~for~~ detoxification, the physical examination shall be completed within 7 calendar days prior to placement or 2 calendar days after placement 48 hours of admission.

b. For residential treatment and ~~for~~ day or night treatment with host homes, the physical examination shall be completed within 30 calendar days prior to placement or 10 calendar days after placement 10 working days of admission.

c. For medication and methadone maintenance treatment, the physical examination shall be completed prior to administration of the initial dose of methadone. In emergency situations the initial dose may be administered prior to the examination. Within 5 calendar days 48 hours of the initial dose, the physician shall document in the client record the circumstances that prompted the emergency administration of methadone and sign and date these entries.

For components identified in sub-subparagraphs a.-c., the physical examination shall be completed by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. ~~Further, the an A.R.N.P., or a P.A.~~ The examination shall be reviewed, signed and dated by the physician in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. person providing the service. ~~If the physical examination is not completed by the physician, it shall be reviewed, countersigned, and dated by the physician within 48 hours of completion.~~

4. Laboratory Tests. Clients shall provide a sample for testing blood and urine, including and a second urine specimen for drug screen, screening as follows:

a. For addictions receiving facilities, detoxification, residential treatment, and day or night treatment with host homes, all laboratory tests will be performed ~~as prescribed by the physician and~~ in accordance with the medical a written protocol established in subsection 65D-30.004(7), F.A.C.

Further, the results of the laboratory tests shall be reviewed, signed and dated during the assessment process and in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. ~~The physician shall review the results of laboratory tests and sign and date all such reviews.~~

b. For medication and methadone maintenance treatment, blood and urine samples shall be taken within 7 calendar days prior to placement or 2 calendar days after placement 2 days of admission. A ~~urine~~ drug screen shall be conducted at the time of placement admission. If there are delays in the procedure, such as problems in obtaining a blood sample, this shall be documented by a licensed nurse in the client record. The initial dose of medication may be given before the ~~results of~~ laboratory tests results are reviewed by the physician. The results of the laboratory test shall be reviewed, signed and dated by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. ~~The physician shall review the results of laboratory tests within 24 hours of receipt and sign and date all such reviews.~~

5. Pregnancy Test. This requirement applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment. Female clients shall be evaluated by a physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., a P.A., or an A.R.N.P., to determine the necessity of a pregnancy test. In those cases where it is determined necessary, clients ~~Clients~~ shall be provided testing services directly or by referral as soon as possible following placement admission.

6. Tests For Sexually Transmitted Diseases and Tuberculosis. A serological test for sexually transmitted diseases and a screening Mantoux ~~test~~ for tuberculosis to determine the need for a Mantoux test shall be conducted on each client, as follows:

a. For residential treatment and ~~for~~ day or night treatment with host homes, tests will be conducted within the time frame specified for the physical examination 30 days of admission or at the time of the physical examination. The results of both tests shall be reviewed and signed and dated by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., and filed in the client record, within 10 working days after the blood sample was drawn, or earlier, if possible. ~~The physician shall sign and date the review of the results.~~

b. For medication and methadone maintenance treatment, the tests will be conducted at the time samples are taken for other laboratory tests. Positive, and the results shall be reviewed and signed and dated by a physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. within 24 hours of receipt. ~~The physician shall sign and date the review of the results.~~

7. Special Medical Problems. Particular attention shall be given to those clients with special medical problems or needs. ~~This would include including~~ referral for medical services. A record of all such referrals shall be maintained in the client record and signed and dated by the attending physician.

8. Additional Requirements for Residential Treatment and Day or Night Treatment with Host Homes. If a client is readmitted within 90 calendar days of discharge to the same provider, a physical examination shall be conducted as prescribed by the physician. If a client is readmitted to the same provider after 90 calendar days of the discharge date, the client shall receive a complete physical examination.

9. Additional Requirements for Medication and Methadone Maintenance Treatment.

a. ~~The the physician, an A.R.N.P., or a P.A., shall record in the client record the criteria used to determine the client's current addiction and history of addiction shall be recorded in the client record by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. In any case, the record of the client's current addiction and history of addiction shall be reviewed, signed and dated by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C person providing the service. If the client's current addiction and history of addiction was not initially recorded by the physician, the physician shall review the results and countersign and date the record acknowledging the review. The final decision which determines addiction and history of addiction shall be made by the physician. This review shall be completed before administering the initial dose.~~

b. A physical examination shall be conducted on clients who are placed directly into ~~admitted to~~ treatment from another provider unless a copy of the examination accompanies the client and the examination has been completed within the ~~past~~ year prior to placement admission. In those instances where a copy of the examination is not provided because of circumstances beyond the control of the referral source, the physician shall conduct a physical examination within 5 calendar days of placement ~~72 hours of admission~~.

(b) Psychosocial Assessment.

1. ~~Psychosocial Assessment Information Required.~~ The psychosocial assessment shall include the client's a history as determined through an assessment of the items in sub-subparagraphs a.-l. as follows of the following:

- a. Emotional or mental health disturbances;
  - b. No change.
  - c. Family history, including substance abuse by other family members;
  - d. through k. No change.
- l. Client's perception of strengths and abilities related to the potential for recovery; and

m. A clinical summary, including an analysis and interpretation of the results of the assessment, as described in sub-subparagraphs a.-l.

2. Requirements for Components. Any psychosocial assessment that is completed within 30 calendar days prior to placement in any component identified in sub-subparagraphs a.-e. may be accepted by the provider placing the client. Otherwise, the The psychosocial assessment shall be completed according to the following schedule, as follows:

a. For addictions receiving facilities, the psychosocial assessment shall be completed ~~prior to or~~ within 3 calendar days of placement, unless clinically contraindicated 72 hours of admission.

b. For residential treatment level 1 and for day or night treatment with host homes, the psychosocial assessment shall be completed ~~prior to or~~ within 5 calendar days of placement 5 working days of admission.

c. For residential treatment levels 2, 3, 4, 5, day or night with host homes, and day or night treatment, the psychosocial assessment shall be completed within 10 calendar days of placement.

~~For day or night treatment, the psychosocial assessment shall be completed prior to or within 7 working days of admission.~~

d. For intensive outpatient treatment and outpatient treatment, the psychosocial assessment shall be completed ~~prior to or~~ within 30 calendar days of placement 4 sessions or 30 days of admission, whichever comes first. For inmate substance abuse programs, the psychosocial assessment shall be completed within 30 days of admission.

e. For medication and methadone maintenance treatment, the psychosocial assessment shall be completed ~~prior to or~~ within 15 calendar days of placement 15 working days of admission.

3. Psychosocial Assessment Sign-off ~~and Readmission~~ Requirements. The psychosocial assessment shall be completed by clinical staff and signed and dated. If the psychosocial assessment was not completed initially by a qualified professional, the psychosocial assessment shall be reviewed, countersigned ~~counter-signed~~, and dated by a qualified professional within 10 calendar days of completion, ~~except for inmate substance abuse programs, in which case this review and sign-off shall occur within 30 days. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, shall conduct the review and sign-off shall occur within 30 calendar days. In those instances where a client is readmitted or services within 180 days of discharge, a psychosocial assessment update shall be conducted, if clinically indicated, and as prescribed by the qualified professional. A new assessment shall be completed on Clients who are readmitted for services more than 180 days after discharge. In addition, the psychosocial assessment shall be updated annually for clients who are in continuous treatment for longer than one year.~~

4. Psychosocial Assessment Readmission Requirements. In those instances where a client is readmitted to the same provider for services within 180 calendar days of discharge, a psychosocial assessment update shall be conducted, if clinically indicated. Information to be included in the update shall be determined by the qualified professional. A new assessment shall be completed on clients who are readmitted for services more than 180 calendar days after discharge. In addition, the psychosocial assessment shall be updated annually for clients who are in continuous treatment for longer than one year.

5. Assessment Requirements Regarding Clients who are Referred or Transferred.

a. A new psychosocial assessment does not have to be completed on clients who are referred or transferred from one provider to another or referred or transferred within the same provider if the provider meets at least one of the following conditions:

I. The provider or component initiating the referral or transfer forwards a copy of the psychosocial assessment information prior to the arrival of the client;

II. Clients are referred or transferred directly from a specific level of care to a lower or higher level of care (e.g., from detoxification to residential treatment or outpatient to residential treatment) within the same provider or from one provider to another;

III. The client is referred or transferred directly to the same level of care (e.g., residential level 1 to residential level 1) either within the same provider or from one provider to another.

b. In the case of referral or transfer from one provider to another, a referral or transfer is considered direct if it was arranged by the referring or transferring provider and the client is subsequently placed with the provider within 7 calendar days of discharge. This does not preclude the provider from conducting an assessment. The following are further requirements related to referrals or transfers.

I. If the content of a forwarded psychosocial does not comply with the psychosocial requirements of this rule, the information will be updated or a new assessment will be completed.

II. If a client is placed with the receiving provider later than 7 calendar days following discharge from the provider that initiated the referral or transfer, but within 180 calendar days, the qualified professional of the receiving provider will determine the extent of the update needed.

III. If a client is placed with the receiving provider more than 180 calendar days after discharge from the provider that initiated the referral or transfer, a new psychosocial assessment must be completed.

(c) Special Needs. The assessment process shall include the identification of clients with mental illness and other needs. Such clients shall be accommodated directly or through

referral. A record of all services provided directly or through referral shall be maintained in the client record. ~~A qualified professional shall review and approve the need for such services.~~

~~(15)(16) Client Placement Criteria and Operating Procedures Regarding Admission, Continued Stay, and Discharge/Transfer.~~ This requirement applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, day or night treatment, outpatient treatment, intervention, and medication and methadone maintenance treatment. Providers shall have operating procedures that clearly state the criteria for admitting, transferring, and discharging clients. This would include procedures for implementing these placement requirements. When determining client placement, providers under contract with the department shall use the Florida Supplement to the American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-Related Disorders (ASAM PPC-2), Second Edition, revised July 1, 1998, incorporated herein by reference. Copies of the ASAM PPC-2 may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Providers not under contract with the department shall clearly describe the criteria and process used regarding admission, continued stay, and discharge/transfer of clients. In both cases, decisions regarding admission shall be based primarily on information from the assessment. Decisions regarding continued stay and discharge/transfer shall be based primarily on information from the treatment plan, intervention plan, progress notes, and summary notes.

~~(16)(17) Primary Counselor, Orientation, and Initial Treatment Plan Admission for Services.~~ This requirement applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment.

(a) Primary Counselor. A primary counselor shall be assigned to each client placed in a component admitted for services. ~~Providers shall require that each client admitted for services sign a formal consent for services. Following the client's formal consent, providers shall conduct an orientation and shall complete an initial treatment plan. This standard does not apply to detoxification and addictions receiving facilities.~~

~~(b) Consent for Services. Clients admitted for services shall be required to sign a formal consent for services, consent for urine drug screens, if conducted, and consent to release of information. In the latter case, the consent for release shall be signed by the client only if the form is completed and includes information required in 42 Code of Federal Regulation, Part 2.~~

(b)(e) Orientation. Prior to or upon placement in a component, clients ~~Clients who have been admitted to a component shall receive~~ participate in orientation. There may be occasions where the orientation occurs following screening out of necessity or because of the provider's policy. The orientation shall include:

1. through 5. No change.
- ~~6. Client responsibilities;~~
7. through 9. renumbered 6. through 8. No change.

(c)(d) Initial Treatment Plan. An initial treatment plan shall be completed on each client upon placement, unless an individual treatment plan is completed at that time ~~admission~~.

The plan shall specify timeframes for implementing services in accordance with the requirements established for applicable components ~~each component~~. The initial treatment plan shall be signed and dated by clinical staff and signed and dated by the client. This standard does not apply to detoxification and addictions receiving facilities.

(17)(18) Treatment Plan, Treatment Plan Reviews, and Progress Notes.

(a) Treatment Plan. ~~The treatment plan shall be based on the assessment, results of diagnostic services, and special needs of the client.~~ Each client shall be afforded the opportunity to participate in the development and subsequent review of the treatment plan. The treatment plan shall include goals and related measurable behavioral objectives to be achieved by the client, the tasks involved in achieving those objectives, the type and frequency of services to be provided, ~~including ancillary services,~~ and the expected dates of completion. The treatment plan shall be signed and dated by the person providing the service, and signed and dated by the client. If the treatment plan is ~~not~~ completed by other than a qualified professional, the treatment plan shall be reviewed, countersigned, and dated by a qualified professional within 10 calendar days of completion. In the case of Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, the treatment plan shall be reviewed, countersigned, and dated by a qualified professional within 30 calendar days of completion. A written treatment plan shall be completed on each client, ~~as follows:~~

1. For long-term outpatient methadone detoxification and ~~for~~ medication and methadone maintenance treatment, the treatment plan shall be completed prior to or within 30 calendar days of placement ~~30 working days of admission~~.

2. For residential treatment level 1, the treatment plan shall be completed prior to, or within 7 calendar days of placement. For residential treatment levels 2, 3, 4, and 5, and for day or night treatment with host homes, the treatment plan shall be completed prior to or within 15 calendar days of placement ~~7 working days of admission~~.

3. For day or night treatment, the treatment plan shall be completed prior to or within 10 calendar days of placement ~~10 working days of admission~~.

4. For intensive outpatient treatment and outpatient treatment, the treatment plan shall be completed prior to or within 30 calendar days of placement ~~4 sessions or 30 days of admission, whichever comes first,~~ except for inmate substance abuse programs, in which case the plan shall be completed within 30 days of admission.

5. For detoxification and addictions receiving facilities, an abbreviated treatment plan, as defined in subsection 65D-30.002(1), F.A.C., shall be completed upon placement. The abbreviated treatment plan shall contain a medical plan for stabilization and detoxification, provision for education, therapeutic activities and discharge planning, and in the case of addictions receiving facilities, a psychosocial assessment.

~~The treatment plan shall be based on the assessment, results of diagnostic services, and special needs of the client. Each client shall be afforded the opportunity to participate in the development and subsequent review of the treatment plan. The treatment plan shall include goals and related measurable behavioral objectives to be achieved by the client, the means of achieving those objectives, the type and frequency of services to be provided, including ancillary services, and the expected dates of completion.~~

~~The treatment plan shall be signed and dated by the person providing the service, and signed and dated by the client. If the treatment plan is not completed by a qualified professional, the treatment plan and subsequent treatment plan reviews shall be reviewed, countersigned, and dated by a qualified professional within 5 working days of completion, except for inmate substance abuse programs, in which case this action shall occur within 30 days of completion.~~

(b) Treatment Plan Reviews. Treatment plan reviews shall be completed on each client, ~~as follows:~~

1. For ~~long-term outpatient methadone detoxification, for residential treatment levels 1, 2, and 3, for day or night treatment with host homes, for day or night treatment,~~ intensive outpatient treatment, and ~~for~~ outpatient treatment, treatment plan reviews shall be completed every 30 calendar days.

2. For residential treatment levels level 4 and 5, treatment plan reviews shall be completed every 90 calendar days.

3. For medication and methadone maintenance treatment, and long-term outpatient methadone detoxification, treatment plan reviews shall be completed every 90 calendar days for the first year and every 6 months thereafter.

For all components, if the treatment plan reviews are not completed by a qualified professional, the review shall be countersigned and dated by a qualified professional within 5 calendar days of the review.

(c) Progress Notes. Progress notes shall be entered into the client record documenting a client's progress or lack of progress toward meeting treatment plan goals and objectives. When a single service event is documented, the progress note will be signed and dated by the person providing the service.

When more than one service event is documented, progress notes may be signed by any clinical staff member assigned to the client. The following are requirements for recording progress notes. Each progress note shall be signed and dated by the person providing the service. Only clinical staff will be permitted to make these entries, except that in the case of detoxification, nursing staff are permitted to enter progress notes. The progress notes shall be recorded as follows:

1. through 2. No change.

3. For intensive outpatient treatment and outpatient treatment, progress notes shall be recorded at least weekly or, if contact occurs less than weekly, notes will be recorded according to the frequency of sessions, ~~except that in the case of inmate substance abuse programs, notes shall be recorded weekly.~~

4. No change.

~~(18)(19)~~ Ancillary Services. This requirement applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, day or night treatment, intensive outpatient treatment, outpatient treatment, aftercare, and medication and methadone maintenance treatment.

Ancillary services shall be provided directly or through referral in those instances where a provider can not or does not provide certain services needed by a client. The provision of ancillary services shall be based on client needs as determined by the treatment plan and treatment plan reviews. In those cases where clients need to be referred for services, the provider shall use a case management approach by linking clients to needed services and following-up on referrals. All such referrals shall be initiated and coordinated by the client's primary counselor or other designated clinical staff who shall serve as the client's case manager. A record of all such referrals for ancillary services shall be maintained in the client record, including whether or not a linkage occurred or documentation of efforts to confirm a linkage when confirmation was not received results.

~~(19)(20)~~ Prevention Plan, Intervention Plan, and Summary Notes.

(a) Prevention Plan. For clients involved in Level 2 indicated prevention as described in paragraph section 65D-30.013(1)(b),(e), F.A.C., a prevention plan shall be completed within 45 calendar days of placement 45 days of admission. Prevention plans shall include goals and objectives designed to reduce risk factors and enhance protective factors. The prevention plan shall be reviewed and updated every 60 calendar days from the date of completion of the plan 30 days. The prevention plan shall be signed and dated by staff who developed developing the plan and signed and dated by the client.

(b) Intervention Plan. For clients involved in intervention on a continuing basis, an intervention plan shall be completed within 45 calendar days of placement 45 days of admission.

Intervention plans shall include goals and objectives designed to reduce the severity and intensity of factors associated with the ~~onset on-set~~ or progression of substance abuse. The intervention plan shall be reviewed and updated at least every 60 30 days. The intervention plan shall be signed and dated by staff who developed developing the plan and signed and dated by the client.

(c) Summary Notes. Summary notes shall be completed in level 2 prevention and intervention services where individual client records are required. Summary notes shall contain information regarding a participant or client's progress or lack of progress in meeting the conditions of the prevention or and intervention plans described in paragraphs (a) and (b). Summary notes shall be entered into the client record at least weekly for those weeks in which where services are scheduled. Each summary note shall be signed and dated by staff delivering the service.

~~(20)(21)~~ Record of Disciplinary Problems. This requirement applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, day or night treatment, intensive outpatient treatment, outpatient treatment, medication and methadone maintenance treatment, aftercare, and intervention, ~~and indicated prevention.~~ A record of disciplinary problems encountered with clients and specific actions taken to resolve problems shall be maintained.

~~(21)(22)~~ Control of Aggression. This applies to all components with the exception of prevention level 1. Providers shall have written documentation of the specific control of aggression technique(s) to be used. Direct care staff shall be trained in control of aggression techniques as required in paragraph 65D-30.004(31)(b), F.A.C. The provider shall provide proof to the department that affected staff have completed training in those techniques. In addition, if the provider uses physical intervention, direct care staff shall receive training in the specific techniques used. Providers that use verbal de-escalation techniques or physical intervention techniques in managing client behavior, shall use techniques such as Aggression Control Techniques (ACT). Staff who use aggression control shall be trained and certified in the use of said techniques and shall receive at least two hours of training in aggression control each year.

(a) Justification and Documentation of Use. De-escalation Verbal de-escalation techniques shall be employed before physical intervention is used. In the event that physical intervention is used to restrict a client's movement, justification shall be documented in the client record ~~and a complete, detailed report of the event shall be maintained as part of the provider's administrative records.~~



(b) Prohibitions. Under no circumstances shall clients be involved in the use of verbal de-escalation or physical intervention to control of aggressive behavior of other clients. Additionally, aggression control such techniques shall not be employed as punishment or for the convenience of staff.

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this subsection. Juvenile Justice Commitment Programs and detention facilities Department of Juvenile Justice commitment programs shall implement this subsection in accordance with Florida Department of Juvenile Justice Policies and Procedures, policy Number 1508-03, titled Protective Action Response (PAR) Policy 8.03, titled Use of Force Policy, July 1995, incorporated herein by reference, that includes policies and procedures on the use of physical force and restraining devices. This policy may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

~~(22)(23)~~ Discharge ~~Plan~~ and Transfer Summaries Summary. This requirement applies to addictions receiving facilities, detoxification, residential treatment, day or night treatment with host homes, day or night treatment, intensive outpatient treatment, outpatient treatment, medication and methadone maintenance treatment, aftercare, and intervention.

(a) Discharge Summary. A written discharge summary ~~plan~~ shall be completed for clients who complete services or who leave the provider prior to completion of services. The discharge summary ~~plan~~ shall include a summary of the client's involvement in services and the reasons for discharge and ~~a plan for~~ the provision of other services needed by the client following discharge, including aftercare. The discharge summary shall be signed and dated by a primary counselor.

(b) Transfer Summary. A transfer summary shall be completed immediately for clients who transfer from one component to another within the same provider and shall be completed within 5 calendar days when transferring from one provider to another. ~~The transfer summary must be completed immediately upon transfer from one component to another within the same provider and within 5 days following transfer to another provider. In all cases, an An~~ entry shall be made in the client record regarding the circumstances surrounding the transfer. ~~The discharge plan and that entry and~~ transfer summary shall be signed and dated by a primary counselor.

~~(23)(24)~~ No change.

~~(24)(25)~~ Data. Providers shall report ~~participate in the reporting of client, service, and fiscal data to the department pursuant to paragraph section 397.321(3)(c), F.S.~~

~~(25)(26)~~ Special In-Residence Requirements. Providers that house ~~which~~ serve males and females together within the same facility shall provide separate sleeping arrangements for these clients. Providers which serve adults ~~between the ages of 18 and 20~~ in the same facility as persons under 18 years of age

shall ensure client safety and programming according to age. Under no circumstances shall providers permit adults 21 years of age or older to reside with persons under 18 years of age.

~~(26)(27)~~ Reporting of Abuse, Neglect, and Deaths. Providers shall adhere to the statutory requirements for reporting abuse, neglect, and deaths of children under Chapter section 39, F.S., and of adults under Section sections 415.1034, F.S., and paragraph 397.501(7)(c), F.S.

~~(27)(28)~~ Incident Reporting Pursuant to paragraph Section 397.419(2)(f), F.S. Incident reporting is required of all providers and shall be conducted in accordance with Children and Families Operating Procedure 215-6, incorporated herein by reference. Incident reporting shall include ~~consist of~~ the following:

(a) No change.

(b) A provision that a written incident report must be filed with the district Alcohol, Drug Abuse, and Mental Health Program Office of the department within 1 calendar day 24 hours of the incident when an action or inaction has a negative affect on the health or safety of the client, or violates the rights of a client ~~or employee~~;

~~(c) Logging and tracking of investigative actions and responses until resolved;~~

~~(c)(d)~~ Employee training in reporting procedures and requirements that includes the affirmative duty requirements and protections of Chapter 415, F.S., and Title V of the Americans with Disabilities Act; and

~~(e) Analysis of trends to identify opportunities for service improvement; and~~

~~(d)(f)~~ No change.

~~(28)(29)~~ Confidentiality. Providers shall comply with Title 42, Code of Federal Regulations, Part 2, titled "Confidentiality of Alcohol and Drug Abuse Patient Records," and with subsections sections 397.419(7), 397.451(10), 397.501(7), F.S., paragraphs 397.6751(2)(a) and (c), and Section 397.752, F.S., regarding confidential client information.

~~(29)(30)~~ Client Rights. Individuals applying for or receiving substance abuse services are guaranteed the protection of fundamental human, civil, constitutional, and statutory rights, including those specified in subsections section 397.501(1)-(10), F.S.

(a) Provisions. Basic client rights ~~provisions~~ shall include:

1. through 6. No change.

7. Timely Provision for the immediate receipt of a filed grievance;

8. The logging and tracking of filed grievances until resolved or concluded by actions of the provider's governing body;

9. through 10. No change.

(b) Providing Information to Affected Parties. Notification to all parties of these rights shall include affirmation of an organizational non-relationship policy that protects a party's

right to file a grievance or express their opinion and invokes applicability of state and federal protections. Providers shall post the number of the abuse hotline registry, the local district Florida Advocacy Council Human Rights Advocacy Committee, and the district Alcohol, Drug Abuse, and Mental Health Program Office in a conspicuous place within each facility and provide a copy to each client placed in admitted for services.

(c) Implementation of Client Rights Requirements by Department of Corrections. In lieu of the requirements of this subsection, and in the case of Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, ~~inmate substance abuse programs~~ the Department of Corrections shall establish rules regarding inmate grievances as provided for in Section section 944.331, F.S., titled Inmate Grievance Procedure.

(d) Implementation of Client Rights Requirements by Department of Juvenile Justice. In lieu of the requirements of this subsection, and in the case of commitment programs and detention facilities operated by or under contract with the Department of Juvenile Justice, the Department of Juvenile Justice policies regarding client grievances shall be followed.

(30)(31) No change.

(31)(32) Training. Providers shall develop and implement a staff development plan. At least one ~~One~~ staff member with skill in developing staff training plans shall be assigned the responsibility of ensuring that staff development activities are implemented. In those instances where an individual has received the requisite training as required in paragraphs (a) and (b) during the year prior to employment by a provider, that individual will have met the training requirements. This provision applies only if the individual is able to produce documentation that the training was completed and that such training was provided by persons who or organizations that are qualified to provide such training.

(a) Training Requirements for New Staff. Each new employee must have two hours of HIV/AIDS training within the first six months of employment. This training must also be provided for no less than two hours every two years.

(b) Training Requirements for New Direct Care Staff. For those staff working in component services identified in subsection 65D-30.004(21), F.A.C., two hours of training in control of aggression techniques must occur within the first six months of employment and two hours annually thereafter. In addition, all new direct care staff shall have CPR training within the first six months of employment.

(c) Training Requirements for New Clinical Staff. All new clinical staff who work at least 20 hours per week or more must receive 20 hours of educational and competency-based training within the first year. Training may include HIV/AIDS and control of aggression techniques.

(d) Special Training Requirements for Prevention. In addition to paragraphs (a) and (b), new staff providing prevention services shall receive basic training in science-based prevention within the first year of employment. Prevention staff shall receive additional training related to their duties and responsibilities for a total of 20 hours, inclusive of the topics listed in this subsection.

(e) General Training Requirements. All staff and volunteers who provide clinical or prevention services and whose work schedule is at least 20 hours per week or more, shall participate in a minimum of 16 hours of documented training per year related to their duties and responsibilities. Persons who are licensed or certified are exempt from the training requirements in this paragraph providing they have proof of documentation of certified education units and any training that is required by their discipline.

~~All clinical and medical staff and any other staff with direct contact with clients shall receive four hours of HIV/AIDS/TB training and four hours CPR training within the first six months of employment and two hours every two years thereafter. In addition, each employee and volunteer who provides direct services and whose regular work schedule is 32 hours a week or more, and all primary counselors, shall receive a minimum of 20 hours of documented annual training related to their duties and responsibilities, including training in the following subject areas:~~

Subject	Initial Training	Updates
Ethics	2 hours within 6 months of employment	1 hour every 2 years
Domestic Violence	2 hours within 6 months of employment	1 hour every 2 years
Sexual Abuse and Trauma	2 hours within 6 months of employment	1 hour every 2 years
Dual Diagnosis/ Substance Abuse and Mental Health	4 hours within 6 months of employment	2 hours every 2 years
First Aid	2 hours within 6 months of employment	2 hours every 2 years

(32)(33) Clinical Supervision. A qualified professional shall supervise ~~at~~ clinical services, as permitted within the scope of their qualifications. In the case of medical services, medical staff may provide supervision within the scope of their license. Supervisors shall conduct regular reviews of work performed by subordinate employees.

(33)(34) Scope of Practice. Unless licensed under Chapters 458, 459, ~~464,~~ 490 or 491, F.S., non-medical employees persons providing clinical services specific to ~~in~~ substance abuse are limited to the following tasks:

- (a) through (e) No change.
- (f) Consultation ~~Consulting~~;
- (g) No change.
- (h) Counseling, including;

1. through 2. No change.

3. Counseling with ~~for~~ families, couples, and significant others;

(i) through (j) No change.

(k) Any other tasks permitted in these rules and appropriate to that licensable component.

~~(35) Certifying Organizations for Addiction Professionals.~~

~~(a) An organization which desires recognition by the department as a certifying organization for addiction professionals shall request such approval in writing from the department. Organizations seeking approval shall be non-profit and governed by a Board of Directors that is representative of the population it intends to certify and shall include specific requirements which applicants must meet to be certified as addiction professionals. An organization seeking recognition must include in its curriculum:~~

~~1. Six thousand hours of direct experience as a substance abuse counselor under the supervision of a qualified professional, within the 10 years preceding the application for certification;~~

~~2. Three hundred hours of specific supervision under a qualified professional in the core function areas, as described in the International Certification and Reciprocity Consortium role delineation study;~~

~~3. Contact education as follows:~~

~~a. For certification as an addiction professional, 145 hours of addiction counseling education and 125 hours of counseling education;~~

~~b. For certification as a criminal justice addiction professional, 100 hours in criminal justice education, 90 hours in addiction education, and 80 hours of counseling education; or~~

~~e. For certification as an addiction prevention professional, 200 hours in prevention and early intervention education and 100 hours of addiction education;~~

~~4. Completion of the International Certification Reciprocity Consortium written examinations based on a national role delineation study of alcohol and drug abuse counselors;~~

~~5. Case presentations which include the development of a case in writing and an oral presentation before a panel of certified counselors; and~~

~~6. Continuing education requiring a minimum of 20 continuing education units (CEUs) annually by providers approved by the certifying organization.~~

~~In addition to the requirements in subparagraphs 1.-3., all applicants for certification must receive 30 hours of ethics, 4 hours of HIV/AIDS, and 2 hours of domestic violence.~~

~~(b) Certifying organizations which meet the requirements in paragraph (a) may request review by the department toward recognition and endorsement. The request shall be made in~~

~~writing to the Director for Substance Abuse who shall respond in writing to the organization's chief executive officer denying or granting recognition.~~

~~(34)(36) Facility Standards. Facility standards in paragraphs (a)-(l)(k) apply to addictions receiving facilities, residential detoxification facilities, and residential treatment facilities. Facility standards in paragraphs (f)(i)-(l)(k) apply to medication and methadone maintenance treatment. Facility standards under paragraph (l) apply to all components.~~

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

~~(e) Housekeeping and Maintenance. Provisions shall be made to ensure that housekeeping and maintenance services are capable of keeping the building and equipment clean and in good repair.~~

~~(d) Hazardous Conditions. Buildings, grounds, equipment, and supplies shall be maintained, repaired, and cleaned so that they are not hazardous to the health and safety of clients, staff, or visitors.~~

~~(c)(e) Personal Possessions. Provisions shall be made which will ensure that clients have access to individual storage areas for their clothing and personal possessions.~~

~~(d)(f) Laundry Facilities. Laundry facilities or services shall be available which are well lighted and clean and which ensure the availability of clean clothing, bed linens, and towels.~~

~~(e)(h) No change.~~

~~(l)(g) Privacy and Safety. Providers shall ensure the privacy and safety of clients, staff, and visitors, and the community to the extent allowable by law.~~

~~(i) Hazardous Materials. Providers shall ensure that hazardous materials are identified, handled, stored, used, and dispensed in accordance with Chapter 10D-104, F.A.C.~~

~~(g)(j) Managing Disasters. Providers shall have written plans for managing and preventing damage and injury arising from internal and external disasters. Providers shall review these plans at least annually. Providers shall be prepared to handle internal and external disasters such as natural and man-made disasters. The written plan shall incorporate evacuation procedures and shall be developed with the assistance of qualified experts. All such plans shall be provided to the departmental district office upon request. Providers shall conduct at least one disaster drill every year.~~

~~(h)(k) Facility Accessibility. Providers shall comply with requirements of the American Disabilities Act.~~

~~(i) Housekeeping and Maintenance. Provisions shall be made to ensure that housekeeping and maintenance services are capable of keeping the building and equipment clean and in good repair.~~

~~(j) Hazardous Conditions. Buildings, grounds, equipment, and supplies shall be maintained, repaired, and cleaned so that they are not hazardous to the health and safety of clients, staff, or visitors.~~

(k) Hazardous Materials. Providers shall ensure that hazardous materials are properly identified, handled, stored, used, and dispensed.

(l) Compliance with Local Codes. All licensed facilities used by a provider shall comply with fire and safety standards enforced by the State Fire Marshall, pursuant to Section section 633.022, F.S., and rules established pursuant to Rule Chapter 4A-44.012, F.A.C., Florida Administrative Code, and with health; and zoning codes enforced at the local level. All providers shall update and have proof of compliance with local fire and safety and health inspections annually. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this paragraph.

~~(37) Overlay Services. With the exception of private practices, a provider which is licensed under Chapter 397, F.S., is permitted to deliver services at locations which are leased or owned by an organization other than the provider. In such instances, the provider shall submit a request to provide overlay services to the department along with a written description of how services will be delivered and supervised. The department reserves the right to approve or deny the request based on the description. Overlay services shall be delivered under the provider's current license as follows:~~

~~(a) Services delivered at the alternate site must correspond directly to those permitted under the provider's current license.~~

~~(b) Information on each client involved in an overlay service must be maintained separately from other information pertaining to the client which may be unrelated to the overlay services.~~

~~(c) Staff are permitted to deliver only clinical services at the alternate site.~~

The following is an example of an overlay service. A comprehensive substance abuse services agency is licensed, among other things, to provide outpatient services located at 6th street. From that facility, the full range of outpatient services are provided as permitted in rule. A number of inmates at a local county jail located on 20th street have been assessed as having substance abuse problems and would benefit from counseling. The substance abuse agency enters into an agreement with the jail authorities to provide on-site counseling two days per week for four hours each day at the jail facility. When counseling is completed following the prescribed time, the counselor returns to the permanent outpatient offices at 6th street. Any information generated about an inmate during counseling also returns with the counselor to the permanent work site. In this example, the overlay consists of counseling which is provided under the agency's outpatient license.

~~(38) Licensure of Private Practices. For those private practices that are required to be licensed under chapter 397, F.S., the following provisions shall apply:~~

~~(a) Private practices shall comply with the requirements found in this section and are permitted, when licensed, to operate only under sections 65D-30.010, 65D-30.011, 65D-30.012, and 65D-30.013.~~

~~(b) Private practices which are operated out of shared office space where there is no employee/employer relationship are exempt from the following common licensure standards:~~

~~1. Section 65D-30.004(4)(a); and~~

~~2. Section 65D-30.004(32), except that such private practices shall be required to maintain a record of all continuing education units (CEU's).~~

~~(c) Private practices which are licensed under Chapter 397, F.S., shall provide services only as permitted by the authority granted by statute and Chapter 65D-30, F.A.C. Individuals providing services outside the scope of the statute and these rules, shall obtain licensure under the specific statute permitting such practice.~~

~~(39) Licensure of Department of Juvenile Justice Commitment Facilities. Substance abuse services shall be provided within Juvenile Justice commitment facilities under the following conditions:~~

~~(a) The commitment facility is licensed under Chapter 397, F.S.; or~~

~~(b) The services are provided by employees of the commitment facility who are qualified professionals licensed under Chapters 458, 459, 490, or 491, F.S., or are provided by employees who are Certified Addictions Professionals working under the supervision of a licensed qualified professional; or~~

~~(c) The services are provided by a licensed service provider licensed under Chapter 397; or~~

~~(d) The services are provided by an independent contractor licensed under Chapters 458, 459, 490, or 491, F.S., or by a Certified Addictions Professional who is an employee of the independent contractor.~~

~~(40) Licensure of Department of Corrections Inmate Substance Abuse Programs. Inmate substance abuse services shall be provided within inmate facilities operated by the Department of Corrections under the following circumstances:~~

~~(a) The inmate facility is licensed under Chapter 397, F.S., in accordance with the requirements in section 65D-30.004 and the appropriate component under sections 65D-30.007, 65D-30.009, 65D-30.010, or 65D-30.012.~~

~~(b) Arrangements are made for inmates to be screened for substance abuse needs upon arrival at a designated reception center, and the screening shall be made either by the Department of Corrections or publicly funded provider of substance abuse services.~~

~~(c) Research, evaluation, and monitoring is conducted relative to inmate participation to ensure the delivery of quality services and that services are based on client needs.~~

~~(d) Relationships and cooperative agreements are developed by the Department of Corrections with publicly funded providers and other agencies that would enhance resources for the provision of services to the inmate.~~

~~(e) Training of all correctional personnel involved in the provision of substance abuse services is conducted on a timely basis.~~

~~(f) The Department of Corrections ensure that all inmates receiving substance abuse services shall be afforded the highest quality services possible.~~

~~(g) The Department of Corrections ensures that each participating inmate shall be afforded the right of individual dignity, non-discriminatory services, right to communication, and that client information shall be maintained as required by Title 42, Code of Federal Regulations, Part 2, and Chapter 397, F.S.~~

~~(35)(41) Offender Referrals Under Chapter 397, F.S.~~

~~(a) No change.~~

~~(b) Information to Courts. Providers shall give information regarding available services to the court with jurisdiction in their geographical area.~~

~~(b)(e) Referral Information. Referrals shall be in writing and signed by the referral source, and shall contain:~~

- ~~1. Name of the offender;~~
- ~~2. Name and address of the provider;~~
- ~~3. Date of referral;~~
- ~~4. Offense of conviction;~~
- ~~5. Sentencing data; and~~
- ~~6. Conditions stipulated by the referral source and the court.~~

~~(c)(d) Provider Responsibilities.~~

~~1. If the offender is found not appropriate for placement admission by the provider, this decision must be verbally communicated to the referral source immediately and in writing within 24 hours, stating reasons for refusal.~~

~~2. through 3. No change.~~

~~(d)(e) Assessment of Juvenile Offenders.~~

~~1. No change.~~

~~2. The court and the Department of juvenile Justice, in conjunction with the department, shall establish procedures to ensure that juvenile offenders are assessed for substance abuse problems and that diversion and adjudication proceedings include conditions and sanctions to address substance abuse problems. These procedures must address:~~

~~a. Responsibility of local contracted providers for assessment;~~

~~b. through c. No change.~~

~~3. The judicial circuit and the district office shall establish priorities for service delivery as follows:~~

~~a. Juveniles who are substance abuse offenders;~~

~~b. Juvenile offenders impaired at the time of the offense;~~

~~e. Juvenile offenders who have second or subsequent offenses; and~~

~~d. Minors taken into custody.~~

~~3.4. No change.~~

~~(36)(42) Voluntary and Involuntary Placement Admissions Under Chapter 397, F.S., Parts IV and V.~~

~~(a) Eligibility Determination.~~

~~1. Voluntary Placement Admissions. To be considered eligible for admission to treatment on a voluntary basis, an applicant for services must meet diagnostic criteria for substance abuse related disorders.~~

~~2. Involuntary Placement Admissions. To be considered eligible for admission for services on an involuntary basis, a person must meet the criteria for involuntary admission as specified in Section section 397.675, F.S.~~

~~(b) Provider Responsibilities Regarding Involuntary Placement Admissions.~~

~~1. Persons who are involuntarily placed Involuntary admissions shall be served only by licensed service providers as defined in subsection section 397.311(19), F.S., and only in those components permitted to admit clients on an involuntary basis.~~

~~2. Providers which accept involuntary referrals must provide a description of the eligibility and diagnostic criteria and the placement admissions process to be followed for each of the involuntary placement admissions procedures described under Sections sections 397.677, 397.679, 397.6798, 397.6811, and 397.693, F.S.~~

~~3. Clients shall be referred to more appropriate services if when it is determined by the provider determines that the person should not be placed admitted or should be discharged. Such referral shall follow the requirements found in paragraphs sections 397.6751(2)(a),(b),(c), F.S., and paragraphs 397.6751(3)(a),(b), F.S., respectively. The decision to refuse to admit or to discharge shall be made by a qualified professional. Any attempts to contact the referral source must be made in accordance with Title 42, Code of Federal Regulations, Part 2.~~

~~4. In those cases in which the court ordering involuntary treatment includes a requirement in the court order for notification of proposed release, the provider must notify the original referral source in writing. Such notification shall comply with legally defined conditions and timeframes and conform to confidentiality regulations found in Title 42, Code of Federal Regulations, Part 2, and subsection section 397.501(7), F.S.~~

~~(c) Assessment Standards for Involuntary Treatment Proceedings. Providers that make assessments available to the court regarding hearings for involuntary treatment must define the process used to complete the assessment. This includes specifying the protocol to be utilized, the format and content of the report to the court, and the internal procedures used to ensure that assessments are completed and submitted within legally specified timeframes. For persons assessed under an~~

involuntary order, the provider shall address the means by which the physician's review and signature for involuntary assessment and stabilization and the signature of a qualified professional for involuntary assessments only, will be secured, ~~and~~ This includes the process that will be used to notify affected parties stipulated in the petition.

(d) No change.

~~(37)(43)~~ Persons with a Dual Diagnosis of Co-occurring Substance Abuse and Psychiatric Problems. Providers shall develop and implement operating procedures for serving or arranging services for persons with dual diagnosis disorders. which serve persons with co-occurring problems shall provide the following services directly or under an agreement with a mental health provider:

~~(a) Assessment services that include the capability of identifying the presence of a serious psychiatric disorder;~~

~~(b) Psychiatric consultation and treatment for dually diagnosed persons; and~~

~~(c) Medication of persons with psychiatric disorders.~~

Specific Authority 397.321(5) FS. Law Implemented 20.19(10), 232, 384, 397.311(23), 397.311(28), 397.321(1), 397.405, 397.419, 397.451, 397.471, 397.501, 397.601, 397.675, 397.705, 397.706 397.707, 633.022, 944.026, 948 FS. History--New 5-25-00, Amended.

65D-30.005 Standards for Addictions Receiving Facilities. In addition to Rule section 65D-30.004, F.A.C., the following standards apply to addictions receiving facilities.

(1) Designation of Addictions Receiving Facilities. The department shall designate addictions receiving facilities. The process of designating such facilities shall begin with a written request from a provider and a written recommendation from the department's District Administrator ~~district administrator~~ to the department's Director for Substance Abuse. The Director for Substance Abuse shall submit written recommendations to the Secretary of the department approving or denying the request. The Secretary shall respond in writing by certified letter to the chief executive officer of the requesting provider. If the request is denied, the response shall specify the reasons for the denial. If the request is approved, the response shall include a statement designating the facility.

(2) Services.

(a) No change.

(b) Supportive Counseling. Each client shall participate in supportive counseling on a daily basis, unless a client is not sufficiently stabilized as defined in subsection 65D-30.002(69), F.A.C. Supportive counseling ~~Counseling~~ sessions shall be of sufficient duration to enable staff to make reasonable decisions regarding the client's need for other services ~~and to determine progress.~~ Services shall be directed toward assuring that the client's most immediate needs are addressed and that the client is encouraged to remain engaged in treatment and to follow up on referrals after discharge.

~~(c) Daily Schedule Activities.~~ The provider shall develop a ~~schedule of daily schedule activities that will be provided based on the initial treatment plan.~~ This shall include recreational and educational activities. Participation by the client and participation shall be documented in the client's record.

(3) No change.

(4) Observation of Clients. Clients requiring close medical observation, as determined by medical staff, shall be visible and readily accessible to the nursing staff 24 hours per day and 7 days per week. Each facility shall be structured so as to permit close observation of bed areas. Clients who do not require no longer need close medical observation shall be in a bed area that allows for general nursing observation.

(5) Eligibility Criteria. To be considered eligible for placement admission, a person must be unable to be placed served in another component and must also fall into one of the following categories:

(a) A voluntary client who has a substance abuse problem to the extent that the person displays behaviors that indicate potential harm to self or others or who meets diagnostic or medical criteria justifying placement in admission ~~to~~ an addictions receiving facility; or

(b) An involuntary client admission who meets the criteria specified in Section section 397.675, F.S.; or

(c) An adult or juvenile offender who is ordered for assessment or treatment under Sections sections 397.705 and 397.706, F.S., and who meets diagnostic or medical criteria justifying placement in admission ~~to~~ an addictions receiving facility; or

(d) Juveniles found in contempt as authorized under Section section 985.216, F.S.

(6) Exclusionary Criteria for Addictions Receiving Facilities. Persons ineligible for placement admission include:

(a) No change.

(b) Persons found to be beyond the safe management capability of the provider as defined under subsection section 397.311(5), F.S., and as described under paragraph section 397.6751(1)(f), F.S.

(7) Placement Admission Procedures. Following the nursing physical screen, the client shall be screened ~~again by clinical staff~~ to determine the person's eligibility or ineligibility for placement admission. The decision to place admit or not to place admit shall be made by a physician, a qualified professional, or an R.N., and shall be based upon the results of ~~all~~ screening information and face-to-face consultation with the person to be admitted.

(8) Referral. In the event that the addictions receiving facility has reached full capacity or it has been determined that the prospective client can not be safely managed, the provider shall attempt to notify the referral source. In addition, the

provider shall ~~and~~ provide assistance in referring the person to another component, in accordance with Section section 397.6751, F.S.

(9) Involuntary Assessment and Disposition.

(a) Involuntary Assessment. An assessment shall be completed on each client placed in ~~admitted to~~ an addictions receiving facility under protective custody, ~~pursuant to section 397.6772, F.S., under emergency admission, pursuant to section 397.6797, F.S., under alternative involuntary assessment for minors, pursuant to section 397.6798, F.S., and under involuntary assessment and stabilization, pursuant to section 397.6811, F.S. In the case of protective custody and emergency admission, the assessment shall be conducted by a physician. In the case of alternative involuntary assessment for minors and involuntary assessment and stabilization, The~~ the assessment shall be completed ~~conducted~~ by a qualified professional and based on the requirements in paragraph 65D-30.004(14)(b), F.A.C. The assessment shall be directed toward determining the client's need for additional treatment and the most appropriate services.

(b) Disposition Regarding Involuntary Admissions. Within the assessment period, one of the following actions shall be taken, based upon the needs of the client and, in the case of a minor, after consultation with the parent(s) or guardian(s):

1. The client shall be released and notice of the release shall be given to the applicant or petitioner and to the court, pursuant to Section section 397.6758, F.S. In the case of a minor that has been assessed or treated through an involuntary admission, that minor must be released to the custody of his parent(s), legal guardian(s), or legal custodian(s).

2. The client shall be asked if they will consent to voluntary treatment at the provider, or consent to be referred to another provider for voluntary treatment in residential treatment, day or night treatment, intensive outpatient treatment, or outpatient treatment; ~~or~~

3. No change.

(10) Notice to Family or Legal Guardian. In the case of a minor, the minor's parent(s) or legal guardian(s) shall be notified upon placement in ~~admission to~~ the facility. Such notification shall be in compliance with the requirements of Title 42, Code of Federal Regulations, Part 2.

(11) Staffing. Providers shall conduct clinical and medical staffing of persons admitted for services. All staffing shall include participation by a physician, nurse, and primary counselor. Participation in staffing shall be dictated by client needs.

(12) Staff Coverage. A physician, P.A., or A.R.N.P. shall make daily visits to the facility for the purpose of conducting physical examinations and addressing the medical needs of clients. A full-time R.N. shall be the supervisor of all nursing services. An R.N. shall be on-site 24 hours per day, 7 days per week, ~~in addictions receiving facilities that serve only adults.~~

~~An R.N. shall be on-site from 7:00 a.m. to 11:00 p.m. in addictions receiving facilities that serve only minors. In this latter instance, an R.N. shall be on-call and capable of being on-site within 30 minutes between 11:00 p.m. and 7:00 a.m. At least one qualified professional shall be on staff and shall be a member of the treatment team provide consultation to staff on a regular basis regarding treatment services;. At least one member of the clinical staff counselor shall be available on-site between the hours of 7:00 a.m. and 11:00 p.m. and on-call between 11:00 p.m. and 7:00 a.m.~~

(13) Staffing Requirement Pattern and Bed Capacity. The staffing requirement pattern for nurses and nursing support personnel for each shift shall consist of the following:

Licensed Bed Capacity	Nurses	Nursing Support
1-10 <del>20</del>	1	<u>1</u> <del>2</del>
<u>11-20</u>	<u>1</u>	<u>2</u>
<u>21-30</u>	<u>2</u>	<u>2</u>

The number of nurses and nursing support staff shall increase in the same proportion as the pattern described above. In those instances where a provider operates a crisis stabilization unit and addictions receiving facility within the same facility, the combined components shall conform to the staffing requirement of the component with the most restrictive requirements.

(14) Restraint and Seclusion. ~~The use of restraint and seclusion shall require justification in writing. Restraint and seclusion can only be used in emergency situations to ensure the client's physical safety of the client, other clients, staff, or visitors and only when less restrictive interventions have been determined to be ineffective, specifically de-escalation techniques. Restraint and seclusion shall not be employed as punishment or for the convenience of staff and shall be consistent with the rights of clients, as described in subsection 65D-30.004(29), F.A.C. section 65D-30.004(30).~~

(a) No change.

(b) Restraint and Seclusion Orders. Providers shall implement the following requirements regarding the use of restraint and seclusion orders:

1. Orders for the use of restraint or seclusion must not ~~never~~ be written as a standing order or on an as needed basis.

2. The treating physician, or other medically qualified designee identified in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., must be consulted with as soon as possible, but no longer than one hour after the initiation of restraint or seclusion. Further, in the case of adults, the physician, or other medically qualified designee identified in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., must conduct a face-to-face evaluation of the client within four hours of the initiation of restraint or seclusion. In the case of children age 17 and under, this shall occur within two hours of initiation of restraint or seclusion in those instances where restraint or seclusion was not ordered by the client's treating physician.

3. through 5. No change.

6. The condition of the client who is in restraint or seclusion must ~~continually~~ be assessed, monitored, and reevaluated at least every 15 minutes.

(c) through (d) No change.

(e) Basic Rights. While in restraint or seclusion, clients shall be permitted to have regular meals, maintain personal hygiene ~~bathe~~, use the toilet and, as long as there is no present danger to the client or others, permitted freedom of movement for at least 10 minutes each hour.

(f) Post Restraint or Seclusion. Upon completion of the use of restraint or seclusion, the client shall receive a nursing physical screen by an R.N. that will include an assessment of the client's vital signs, current physical condition, and general body functions. The screening shall be documented in the client record. In addition, supportive counseling shall be provided in accordance with the needs of the client in an effort to transition the client from restraint or seclusion.

(g) Seclusion Room Facility Requirements. Providers shall have at least one seclusion room located in the facility. Seclusion rooms shall incorporate the following minimum facility standards:±

1. Seclusion rooms shall be free from sharp edges or corners and constructed to withstand repeated physical assaults. Walls shall be either concrete block or double layered to provide resistance. The ceilings shall be a minimum of eight feet in clear height, hard-coated, and fixtures shall be recessed and tamper proof. Lighting fixtures shall be non-breakable and shall be installed with tamper-proof screws, as shall any other items in the seclusion room. Seclusion room doors shall be heavy wood or metal at least 36 inches in width and shall open outward. The doorframe shall be ~~structurally sound~~, resistant to damage; and thoroughly secured.

2. through 3. No change.

4. Seclusion rooms shall be a minimum of 70 square feet with no wall less than a minimum room dimension of 8 feet.

5. No change.

6. Each seclusion room will allow for two-way communication and emergency calling. ~~A voice-activated and switch-able emergency calling system for monitoring clients shall be provided in each seclusion room.~~

7. No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(a), 397.321(1), 397.419, 397.901 FS. History—New 5-25-00, Amended.

65D-30.006 Standards for Detoxification.

In addition to ~~Rule section~~ 65D-30.004, F.A.C., the following standards apply to detoxification:±

(1) General Requirements. Detoxification protocols shall be developed by the medical director, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., and implemented upon placement admission according to the physiological and psychological needs of the client.

(2) Residential Detoxification.

(a) Services.

1. No change.

2. Supportive Counseling. Each client shall participate in supportive counseling on a daily basis unless the client is not sufficiently stable. ~~Supportive counseling~~ ~~Counseling~~ sessions shall be of sufficient duration to enable staff to make reasonable decisions regarding the client's need for other services ~~and to determine progress.~~ Services shall be directed toward assuring that the client's most immediate needs are addressed and encouraging the client to remain engaged in treatment and to follow up on referrals after discharge.

3. No change.

4. Involuntary Assessment and Disposition. Clients who are involuntarily placed into a detoxification unit under protective custody, emergency admission or involuntary assessment and stabilization pursuant to Sections 397.6772, 397.6797, or 397.6811, F.S., shall be assessed and referred as in subsection 65D-30.005(9), F.A.C.

(b) Observation of Clients. Clients requiring close medical observation, as determined and documented by medical staff, shall be visible and readily accessible to nursing staff. Clients who do not require close medical observation shall be in a bed area that allows for general nursing observation. ~~Observation of clients by nursing staff shall be conducted during the first 12 hours following admission and every 4 hours during the subsequent 72 hours. Beds shall be visible and readily accessible from the nurse's station for close observation.~~

(c) No change.

(d) Staffing ~~Requirement Pattern~~ and Bed Capacity. The staffing ~~requirement pattern~~ for nurses and nursing support personnel for each shift shall be as follows:

Licensed Bed Capacity	Nurses	Nursing Support
1-15	1	1
16-20	1	2
21-30	2	2

The number of nurses and nursing support staff shall increase in the same proportion as the ~~requirement pattern~~ described above. In those instances where a residential detoxification component and a licensed crisis stabilization unit are co-located, the staffing ~~requirement pattern~~ for the combined components shall conform to the staffing ~~requirement pattern~~ of the component with the more restrictive requirements.

(3) Outpatient Detoxification. The following standards apply to outpatient detoxification.

(a) Eligibility for Services. Eligibility for outpatient detoxification shall be determined from the following:

1. through 4. No change.

5. An assessment of the client's ability to abstain from the use of substances, except for the proper use of prescribed medication ~~during this process.~~



(b) Drug Screening Urinalysis. A urine drug screen shall be conducted at admission. Thereafter, the program shall require random urine drug screening testing for each client at least weekly.

(c) Services.

1. Supportive Counseling. Each client shall participate in supportive counseling on a weekly basis. Counseling sessions shall be of sufficient duration to enable staff to make decisions regarding the client's need for other services and to determine progress.

2. Referral to Residential Detoxification. Providers shall refer clients to residential detoxification when there is evidence that the client is unable to comply with the outpatient protocol. ~~This includes referring clients who are experiencing withdrawal symptoms.~~

(d) Staffing Requirement Pattern. Staffing Staff available for outpatient detoxification shall minimally consist of the following:

1. A physician, or an A.R.N.P. or a P.A. working under the supervision of a physician, available and on-call during operating hours;

2. An R.N., or an L.P.N. working under the supervision of an R.N., on-site during operating hours; and

3. A counselor, on-site during operating hours.

(e) No change.

(4) Additional Requirements for the Use of Methadone in Detoxification. In those cases where a provider uses methadone in the detoxification protocol, the provider shall comply with the minimum standards found under subsection 65D-30.006(2), F.A.C., subsection (2) if methadone is provided as part of in residential detoxification, and subsection 65D-30.006(3), F.A.C., subsection (3) if methadone is provided as part of in outpatient detoxification. In either case, methadone may be used short-term (no more than 30 days) or long-term (no more than 180 days). Short-term detoxification is permitted on a residential and an outpatient basis while long-term detoxification is permitted on an outpatient basis only. A provider shall not place a client in more than two detoxification episodes in one year. The physician shall assess the client upon admission to determine the need for other forms of treatment. Providers shall also comply with the standards found under subsection section 65D-30.014(4), F.A.C., with the exception of the following conditions, and the following provisions:

(a) ~~A 1-year history of opioid addiction is not required of clients seeking admission.~~

(b) ~~Clients who have been determined by the physician to be currently addicted to opioid drugs may be placed in short-term detoxification, regardless of age.~~

(c) ~~A waiting period of at least 7 days is required between detoxification attempts. Before a detoxification attempt is repeated, the physician shall document in the client record that the client continues to be or is again addicted to opioid drugs.~~

~~(d) Pregnant clients shall be advised that short-term detoxification is not recommended. Clients shall sign and date the receipt of such notification.~~

~~(a)(e) Take-home methadone is not allowed during short-term detoxification.~~

~~(f) A prescription order for drugs with a potential for abuse, other than methadone, shall be limited to separate 24-hour periods during the short-term detoxification.~~

~~(g) Each client shall be under observation while ingesting the drug daily, or at least 6 days a week, during long-term detoxification.~~

~~(b)(h) Clients involved in long-term detoxification shall have a urine drug screen initially and test at least monthly thereafter.~~

(c) Clients involved in short-term detoxification shall have at least one initial drug screen.

~~(i) Prior to beginning long-term detoxification, the physician shall document in the client's record that short-term detoxification is not appropriate for the client and that the client needs additional services beyond those provided by short-term detoxification. The physician shall sign and date these entries.~~

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(b), 397.321(1), 397.419 FS. History—New 5-25-00, Amended \_\_\_\_\_.

65D-30.007 Standards for Residential Treatment.

In addition to Rule section 65D-30.004, F.A.C., the following standards apply to residential treatment.

(1) Facilities Not Required to be Licensed as Residential Treatment. Licensure as residential treatment as defined in paragraph 65D-30.002(16)(c), F.A.C., shall not apply to facilities operated by a provider that provides only housing, meals, or housing and meals to individuals who are substance abuse impaired or in recovery and where the provider:

(a) Does not mandate that the individuals live in the residential facility as a condition of treatment in a separate facility owned and operated by the provider; and

(b) May make available or provide support groups such as Alcoholics Anonymous and Narcotics Anonymous as the only services available to the residents in the facility where housing, meals, or housing and meals are provided.

All other facilities that provide housing to residents that are substance abuse impaired and provide services as defined in paragraph 397.311(19)(c), F.S., and as described in subsections 65D-30.007(2) and (3), F.A.C., either at the facility or at alternate locations, must be licensed under this rule.

(2)(+) Categories of Residential Treatment. For the purpose of this rule these rules, there are five four levels of residential treatment. In each level, treatment shall be structured to serve clients who need a safe and stable living environment in order to develop sufficient recovery skills for the transition to a less restrictive level of care or reintegration into the general community in accordance with placement

criteria. Treatment shall also include a schedule of services provided within a positive environment that reinforce the client's recovery, and clients will be placed in a level of residential treatment that is based upon their treatment needs and circumstances.

(a) Level 1 programs include those that provide services on a short-term basis. This level is appropriate for persons who have sub-acute biomedical problems or behavioral, emotional, or cognitive problems that are severe enough that they require inpatient treatment, but do not need the full resources of an acute care general hospital or a medically managed inpatient treatment program. Typically, clients have a job and a home to support their recovery upon completion of this level of care. The emphasis is clearly on an intensive regimen of clinical services using a multidisciplinary team approach. Services may include some medical services based on the needs of the client. Level 1 residential treatment will generally be less than 30 days duration. This level is typically classified as intensive or short term residential and is intended for clients whose physical and emotional problems are sufficiently severe to require this level of residential care. Clients are routinely under close observation and monitored on a regular basis during their stay. Counseling and other therapeutic services are central to recovery. Clients in this level of care generally have a support system in the community that will help them to sustain recovery once they are discharged.

(b) Level 2 programs include those that are referred to as therapeutic communities or some variation of therapeutic communities and are longer term than level 1. This level is appropriate for persons characterized as having chaotic and often abusive interpersonal relationships, extensive criminal justice histories, prior treatment episodes in less restrictive levels of care, inconsistent work histories and educational experiences, and anti-social behavior. In addition to clinical services, considerable emphasis is placed on services that address the client's educational and vocational needs, socially dysfunctional behavior, and need for stable housing upon discharge. It also includes services that assist the client in remaining abstinent upon returning to the community. Level 2 residential treatment will generally be of a duration of 31 days up to 1 year. This level is typically classified as a therapeutic community and is intended for clients who are characterized as having chaotic, non-supportive and often abusive interpersonal relationships, extensive treatment or substance abuse histories, sporadic work and educational experience, and an anti-social value system. Counseling is provided regularly, as are employment and education services. The goal is to prevent relapse and to promote personal responsibility and positive character change.

(c) Level 3 programs include those that are referred to as domiciliary care and are generally longer term than level 2. This level is appropriate for persons whose cognitive functioning has been severely impaired from the chronic use of

substances, either temporarily or permanently. This would include persons who have varying degrees of organic brain disorder or brain injury or other problems that require extended care. The emphasis is on providing services that work on cognitive problems and activities of daily living, socialization, and specific skills to restore and maintain independent living. The services are typically slower paced, more concrete and repetitive. There is considerable emphasis on relapse prevention and reintegration into the community. This involves considerable use of case management and networking residents into ancillary or wrap-around services such as housing, vocational services, transportation, and self-help meetings. Level 3 residential treatment will generally be of a duration of longer than 1 year and often can extend to 2 or more years. This level is typically characterized as extended or long term care and is intended for clients whose level of addiction-related impairment is so chronic and severe that other component services would not be feasible or effective. They are further characterized as having severe deficits in interpersonal skills and emotional coping skills. Counseling is provided but the emphasis is placed on overcoming denial of the effects of addiction, enhancing motivation, preventing relapse, and promoting reintegration into the community.

(d) Level 4 programs include those that are referred to as transitional care and are generally short-term. This level is appropriate for persons who have completed other levels of residential treatment, particularly levels 2 and 3. This includes clients who have demonstrated problems in applying recovery skills, a lack of personal responsibility, or a lack of connection to the world of work, education, or family life. Although clinical services are provided, the main emphasis is on services that are low-intensity and typically emphasize a supportive environment. This would include services that would focus on recovery skills, preventing relapse, improving emotional functioning, promoting personal responsibility and reintegrating the individual into the worlds of work, education, and family life. Level 4 residential treatment will generally be of a duration of 3 to 6 months. This level is typically characterized by transitional living and is directed toward clients who need help reintegrating into the world of work, education, family life, and independent living. Clients are involved in self-help groups and emphasis is on recovery skills, preventing relapse, and promoting personal responsibility.

(e) Level 5 programs are those that provide only housing and meals to clients who receive services on a mandatory basis at a separate location. In this case, facilities used for room and board and those used for services are owned and operated by the same provider. This level is appropriate for persons who do not need levels 1-4 residential services but who need room and board while undergoing treatment in a day or night, intensive outpatient, or outpatient component. This level would utilize clinical services and other services that would be largely oriented and directed toward the client's lifestyle and the

client's attitudinal and behavioral issues. Services may include medical and psychiatric consultation and structured programs built around the psychosocial assessment and treatment planning.

(2) General Requirements:

(3)(a) Services. Each client shall receive services each week. The services shall include a specified number of hours of counseling as provided for in subsection 65D-30.007(4), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed below be provided. Services shall be provided in accordance with the needs of the client as identified in the treatment plan as follows:

(a) Individual counseling;

(b) Group counseling;

(c) Counseling with families;

(d) Substance abuse education, such as strategies for avoiding substance abuse or relapse, health problems related to substance abuse, and motivational enhancement and strategies for achieving a substance-free lifestyle;

(e) Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery training, decision-making, relationship skills, and symptom management;

(f) Non-verbal therapies such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the client with alternative means of self expression and problem resolution;

(g) Training or advising in health and medical issues;

(h) Employment or educational support services to assist clients in becoming financially independent; and

(i) Mental health services for the purpose of:

1. Managing clients with disorders who are stabilized;

2. Evaluating clients' needs for in-depth mental health assessment;

3. Training clients to manage symptoms; and

4. Timely referral to an appropriate provider for mental health crises or the emergence of a primary mental health disorder when the provider is not staffed to address primary mental health problems.

For clients participating under subsection 65D-30.003(16), F.A.C., and subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections' contract with the provider. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile justice.

1. Counseling. Each client shall participate in counseling. Counseling sessions shall be of sufficient duration to enable staff to make reasonable decisions regarding the client's need for other services and to determine progress in treatment. Counseling shall be provided as follows:

a. For clients in levels 1 and 2, 20 hours of counseling shall be provided per client per week. For clients participating under subsection 65D-30.004(40), counseling shall be provided according to the policies established in Chapter 944, F.S., titled State Correctional System. For clients participating under subsection 65D-30.004(41), counseling shall be provided according to the conditions of the Department of Corrections' contract with the provider.

b. For clients in level 3, 10 hours of counseling shall be provided per client per week.

e. For clients in level 4, 4 hours of counseling shall be provided per client per week.

(4)2- Required Hours of Services, Services and Activities. Each client shall participate in the following daily services and activities:

(a)a- For level 1, each client shall receive services each week in accordance with subsection 65D-30.007(3), F.A.C., including at least 14 hours of counseling. For clients in level 1, services and activities shall include a range of cognitive, behavioral, and other therapies and health education, and be provided at least 10 hours per week.

(b)b- For level 2, each client shall receive services each week in accordance with subsection 65D-30.007(3), F.A.C., including at least 10 hours of counseling. For clients in level 2, services shall include recreational activities, educational groups, and occupational services, and be provided at least 20 hours per week. For clients participating under subsection 65D-30-004(40), counseling shall be provided according to the policies established by the Department of Corrections in Chapter 944, F.S., titled State Correctional System, that require inmates to be available for facility security protocols. For clients participating under subsection 65D-30.004(41), counseling shall be provided according to the conditions of the Department of Corrections' contract with the provider.

(c)c- For level 3, each client shall receive services each week in accordance with subsection 65D-30.007(3), F.A.C., including at least 4 hours of counseling. For clients in level 3, services shall include educational groups and occupational and recreational activities and life skill training, and be provided at least 30 hours per week.

(d)d- For level 4, each client shall receive services each week in accordance with subsection 65D-30.007(3), F.A.C., including at least 2 hours of counseling. For clients in level 4, services shall include educational groups and occupational and recreational activities and be provided at least 6 hours per week.

(e) For level 5, each client shall receive services each week in accordance with the requirements of the licensed component service in which the client is required to participate.

In those instances in which it is determined that a client requires fewer hours of counseling in any of the levels of residential treatment, this shall be described and justified in the client's treatment plan and approved by the qualified professional.

~~(5)3:~~ Transportation. Each provider shall arrange for or provide make transportation services available to clients who are involved in activities or in need of services that are provided at other facilities. ~~Transportation services shall be provided or arranged as needed.~~

~~(6)(b)~~ No change.

~~(7)(e)~~ Caseload. No primary counselor may have a caseload that which exceeds 15 currently participating clients.

~~(3) Admission Requirements Regarding Referral or Transfer. In those cases where clients are referred directly to residential treatment from detoxification or from another residential treatment program, a psychosocial assessment does not have to be completed on the condition that the referring provider forwards a copy of the psychosocial assessment information prior to the arrival of the client. Otherwise, a full psychosocial assessment must be completed. A referral is considered direct if it was arranged by the referring program utilizing a continued stay, discharge/transfer, and case management process and the client is subsequently admitted to the provider within 7 days of discharge. This does not preclude the provider from conducting its own assessment.~~

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(c), 397.321(1), 397.419 FS. History—New 5-25-00, Amended.

65D-30.008 Standards for Day or Night Treatment with Host Homes.

In addition to Rule section 65D-30.004, F.A.C., the following standards apply to day or night treatment with host homes.

(1) Requirements for Host Family. Providers sponsoring the utilization of host families for the care of their clients shall establish requirements for the homes of such families. The department shall review and approve the requirements during licensure inspections. These requirements shall include:

(a) through (g) No change.

(h) That all host family members shall adhere to the requirements for client rights as provided in subsection section 65D-30.003(30), F.A.C.

(2) Responsibility Agreement. A written agreement between the day or night sponsoring provider and the host family, signed and dated by all parties involved, shall be executed. As used in this subsection, host family includes parents, stepparents, siblings, grandparents, stepsiblings, or any other family member participating in the program or living in the host home. The agreement shall state the responsibilities

and liabilities of each party. The name, address, and telephone number of all host family members shall be included on the agreement. Host parents shall acknowledge, in writing, their agreement to protect the rights of clients in accordance with subsection section 397.501(1)-(10), F.S.

(3) No change.

~~(4) Staff Coverage. Providers of day or night host home services are required to have awake, paid staff on-site at the sponsoring provider's facility during the hours when one or more clients are present. Individual host homes must have adult supervision when clients are present.~~

~~(4)(5)~~ Records. The sponsoring provider shall maintain records on each host family. These records shall contain:

(a) through (f) No change.

(g) Documentation of training in accordance with subsection section 65D-30.004(31), F.A.C., within 15 days of becoming a host family.

(5) Services. Each client shall receive services each week. The services shall include a specified number of hours of counseling as provided for in subsection 65D-30.008(6), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. Services shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

(a) Individual counseling;

(b) Group counseling;

(c) Counseling with families;

(d) Substance abuse education, such as strategies for avoiding substance abuse or relapse, health problems related to substance abuse, and motivational enhancement and strategies for achieving a substance-free lifestyle;

(e) Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery training, decision-making, relationship skills, and symptom management;

(f) Non-verbal therapies such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the client with alternative means of self expression and problem resolution;

(g) Training or advising in health and medical issues;

(h) Employment or educational support services to assist clients in becoming financially independent; and

(i) Mental health services for the purpose of:

1. Managing clients with disorders who are stabilized;

2. Evaluating clients' needs for in-depth mental health assessment;

3. Training clients to manage symptoms; and

4. Referral to an appropriate provider for mental health crises or the emergence of a primary mental health disorder when the provider is not staffed to address primary mental health problems.

(6) Required Hours of Services. For day or night treatment with host homes, each client shall receive services each week in accordance with subsection 65D-30.008(5), F.A.C., including at least 10 hours of counseling. In those instances in which it is determined that a client requires fewer hours of counseling, this shall be described and justified in the client's record.

(7) Staff Coverage. Providers of day or night host home services are required to have awake, paid staff on-site at the sponsoring provider's facility during the hours when one or more clients are present. Individual host homes must have adult supervision when clients are present.

(8) Caseload. No primary counselor may have a caseload that exceeds 15 clients.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(c),(d), 397.321(1), 397.419, FS. History--New 5-25-00, Amended \_\_\_\_\_.

#### 65D-30.009 Standards for Day or Night Treatment.

In addition to Rule section 65D-30.004, F.A.C., the following standards apply to day or night treatment.

(1) Services. Each client shall receive services each week. The services shall include counseling as provided for in subsection 65D-30.009(2), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. Services shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows: Counseling. Each client shall receive a minimum of 6 hours of counseling per week. This shall include a combination of individual, group, and family counseling. In those instances where a provider requires less hours of client participation in the latter stages of the treatment process, this shall be clearly described and justified as essential to the provider's objectives relative to service delivery.

(a) Individual counseling;

(b) Group counseling;

(c) Counseling with families;

(d) Substance abuse education, such as strategies for avoiding substance abuse or relapse, health problems related to substance abuse, and motivational enhancement and strategies for achieving a substance-free lifestyle;

(e) Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery training, decision-making, relationship skills, and symptom management;

(f) Non-verbal therapies such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the client with alternative means of self expression and problem resolution;

(g) Training or advising in health and medical issues;

(h) Employment or educational support services to assist clients in becoming financially independent; and

(i) Mental health services for the purpose of:

1. Managing clients with disorders who are stabilized;

2. Evaluating clients' needs for in-depth mental health assessment;

3. Training clients to manage symptoms; and

4. Timely referral to an appropriate provider for mental health crises or the emergence of a primary mental health disorder when the provider is not staffed to address primary mental health problems.

(2) Required Hours of Services. For day or night treatment, each client shall receive a minimum of 12 hours of services per week in accordance with subsection 65D-30.009(1), F.A.C. This shall include individual counseling, group counseling, or counseling with families. In those instances where a provider requires fewer hours of client participation in the latter stages of the treatment process, this shall be clearly described and justified as essential to the provider's objectives relative to service delivery.

(3)(2) No change.

(4)(3) Caseload. No primary counselor may have a caseload that exceeds 15 currently participating clients.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(d), 397.321(1), 397.419 FS. History--New 5-25-00, Amended \_\_\_\_\_.

#### 65D-30.0091 Standards for Intensive Outpatient Treatment.

In addition to Rule 65D-30.004, F.A.C., the following standards apply to intensive outpatient treatment.

(1) Services. Each client shall receive services each week. The services shall include counseling as provided for in subsection 65D-30.0091(2), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. Services shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

(a) Individual counseling;

(b) Group counseling;

(c) Counseling with families;

(d) Substance abuse education, such as strategies for avoiding substance abuse or relapse, health problems related to substance abuse, and motivational enhancement and strategies for achieving a substance-free lifestyle;

(e) Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery training, decision-making, relationship skills, and symptom management;

(f) Training or advising in health and medical issues;

(g) Employment or educational support services to assist clients in becoming financially independent; and

(h) Mental health services for the purpose of:

1. Managing clients with disorders who are stabilized;

2. Evaluating clients' needs for in-depth mental health assessment;

3. Training clients to manage symptoms; and

4. Timely referral to an appropriate provider for mental health crises or the emergence of a primary mental health disorder when the provider is not staffed to address primary mental health problems.

(2) Required Hours of Services. For intensive outpatient treatment, each client shall receive at least nine hours of services per week, in accordance with subsection 65D-30.0091(1), F.A.C., including counseling.

(3) Psychiatric and Medical Services. The need for psychiatric and medical services shall be addressed through consultation or referral arrangements. Providers shall develop formal agreements with health and mental health professionals for provision of such services, and shall accommodate the needs of clients on a case-by-case basis. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this subsection.

(4) Caseload. No full-time counselor shall have a caseload that exceeds 50 clients participating in individual counseling at any given time.

(5) Hours of Operation. Providers shall post their hours of operation and this information shall be visible to the public. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this subsection. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(e), 397.321(1), 397.419 FS. History—New

65D-30.010 Standards for Outpatient Treatment.

In addition to ~~Rule section~~ 65D-30.004, F.A.C., the following standards apply to outpatient treatment.

(1) Services. Each client shall receive services each week. The services shall include counseling as provided for in subsection 65D-30.010(2), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or

arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. Services shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows: Counseling. A minimum of one counseling session every week shall be provided to each client. If fewer or more sessions are indicated, justification must be reflected in the treatment plan. Counseling sessions shall include a combination of individual, group, and family counseling.

(a) Individual counseling;

(b) Group counseling;

(c) Counseling with families; and

(d) Substance abuse education, such as strategies for avoiding substance abuse or relapse, health problems related to substance abuse, and motivational enhancement and strategies for achieving a substance-free lifestyle.

(2) Required Hours of Services. For outpatient treatment, each client shall receive services each week in accordance with subsection 65D-30.010(1), F.A.C., including a minimum of one counseling session. If fewer sessions are indicated, clinical justification must be documented in the client record.

(3)(2) Caseload. No full-time counselor shall have a caseload that exceeds 50 clients individuals participating in individual counseling at any given time services. In the case of inmate substance abuse programs, the caseload shall be no more than 30 participants.

(4)(3) Hours of Operation. Providers shall post their hours of operation and this information shall be visible to the public. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this subsection. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection.

(4) Requirements for Intensive Outpatient Treatment. In addition to the requirements in subsections (2) and (3), the following requirements apply to intensive outpatient treatment.

(a) Services. Intensive outpatient treatment services shall be provided on-site at least nine hours per week per client and shall consist of more structured programming. Services shall consist primarily of counseling and education and at least two hours on individual counseling shall be provided to each client each week. Other programming shall include occupational and recreational services if required by the client's treatment plan. Inmate substance abuse programs are exempt from the requirement but must provide at least three hours of group counseling per week in accordance with Chapter 944, F.S., titled State Correctional System.

(b) Psychiatric and Medical Services. The need for psychiatric and medical services shall be addressed through consultation or referral arrangements. Providers shall develop formal agreements with health and mental health professionals for provision of such services, and shall accommodate the

~~needs of clients on a case-by-case basis. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this subsection.~~

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(e), 397.321(1), 397.419 FS. History—New 5-25-00, Amended.

#### 65D-30.011 Standards for Aftercare.

In addition to ~~Rule section~~ 65D-30.004, F.A.C., the following standards apply to aftercare.

(1) Client Eligibility. Clients who have successfully completed residential treatment, day or night treatment with host homes, day or night treatment, intensive outpatient treatment, outpatient treatment, or medication and methadone maintenance treatment are eligible for aftercare services.

#### (2) Services.

(a) Relapse Prevention. Providers shall ~~establish a relapse prevention curriculum that shall~~ specify the type, frequency, and duration of counseling services to be provided to clients who are eligible for aftercare. Special care shall be taken to ensure that the provider has flexible hours in order to meet the needs of clients.

#### (b) No change.

(c) Monitoring Progress. Providers shall monitor and document the progress of clients involved in aftercare and shall review and update the aftercare plan to determine the need for additional services. Clients shall be monitored with respect to attending appointments, potential for relapse, and results of counseling sessions and other contacts.

(d) Referral. Providers shall refer clients for other services ~~that which~~ are needed by the client as specified in the aftercare plan. This shall include follow-up on all referrals.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(e), 397.321(1), 397.419 FS. History—New 5-25-00, Amended.

#### 65D-30.012 Standards for Intervention.

In addition to ~~Rule section~~ 65D-30.004, F.A.C., the following standards apply to intervention.

#### (1) General Intervention Requirements.

#### (a) No change.

#### 1. through 3. No change.

~~(b) Service Agreements. Providers shall have written service agreements with other agencies and providers that will ensure accessibility to a full continuum of services for persons in need.~~

~~(b)(e)~~ Supportive Counseling. In those instances where supportive counseling is provided, the number of sessions or contacts shall be determined through ~~by~~ the intervention plan. In those instances where an intervention plan is not completed, all contacts with the client shall be recorded in the client record.

~~(c)(d)~~ Referral. Providers must have the capability of referring clients to other needed services within 48 hours, or immediately in the case of an emergency.

(2) Requirements for Treatment Alternatives for Safer Communities (TASC). In addition to the requirements in subsection 65D-30.012(1), F.A.C., ~~subsection (1)~~, the following requirements apply to Treatment Alternatives ~~for~~ to Safer Communities.

(a) Client Eligibility. TASC providers shall establish eligibility standards requiring that individuals considered for intake shall be at-risk for criminal involvement, substance abuse, or have been arrested or convicted of a crime, or referred by the criminal or juvenile justice system, ~~and that such individuals have a substance abuse problem.~~

#### (b) Services.

1. Court Liaison. Providers shall establish liaison activities with the court ~~that which~~ shall specify procedures for the release of prospective clients from custody by the criminal or juvenile justice system for referral to a provider. Special care shall be taken to ensure that the provider has flexible operating hours in order to meet the needs of the criminal and juvenile justice systems. This may require operating nights and weekends and in a mobile or an in-home environment.

2. Monitoring. Providers shall monitor and report the progress of each client according to the consent agreement with the client. Reports of client progress shall be provided to the criminal or juvenile justice system or other referral source as required, and in accordance with Section ~~section~~ 397.501(1)-(10), F.S.

#### 3. through 5. No change.

(3) Requirements for Employee Assistance Programs. In addition to the requirements in subsection 65D-30.012(1), F.A.C., ~~subsection (1)~~, the following requirements apply to Employee Assistance Programs.

(a) Consultation and Technical Assistance. Consultation and technical assistance shall be provided by Employee Assistance Programs which includes the following:

#### 1. through 3. No change.

(b) Employee Services. Employee Assistance Programs shall provide services which include linking the client to a provider, motivating the client to accept assistance, and assessing the service needs of the client. The principal ~~principle~~ services include:

1. Supportive counseling to motivate clients toward recovery ~~Motivational Counseling~~; and

#### 2. No change.

#### (c) No change.

(4) Requirements for Case Management. In addition to the requirements in subsection 65D-30.012(1), F.A.C., ~~subsection (1)~~, the following requirements apply to case management in those instances where case management is provided as a licensable sub-component of intervention.

(a) through (c) No change.

(d) Contacts. Each case manager shall meet face-to-face with each client at least monthly unless otherwise justified in the client record with the client.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(h), 397.321(1), 397.419 FS. History—New 5-25-00, Amended \_\_\_\_\_.

65D-30.013 Standards for Prevention.

In addition to ~~Rule section~~ 65D-30.004, F.A.C., the following standards apply to prevention.

(1) Categories of Prevention. For the purpose of these rules, prevention is provided under the categories entitled level 1 and level 2 universal, selective, and indicated.

(a) Level 1. Level 1 prevention services are typically directed at the general population or specific sub-populations. Level 1 services offer one or more of the services listed in paragraphs 65D-30.013(2)(a)-(f), F.A.C., at an intensity and duration appropriate to the strategy and target population. Universal. Universal prevention is directed at the general population or specific sub-populations that are not considered at high levels of risk for substance abuse.

(b) Level 2. Level 2 prevention services are typically directed toward individuals who are manifesting behavioral effects of specific risk factors for substance abuse. Level 2 services offer one or more of the strategies listed in paragraphs 65D-30.013(2)(a)-(g), F.A.C., at an intensity and duration appropriate to the strategy and the risk and protective factors of the participants. This level offers counseling for non-drug treatment issues, geared at reducing risk factors and increasing protective factors. Each participant has a prevention plan in this level of prevention. Selective. Selective prevention is directed toward groups or specific sub-populations of the general population which are considered at risk for substance abuse such as children of substance abusers or low academic achievers.

(c) Indicated. Indicated prevention is directed toward groups of individual children or youth who are manifesting behavioral effects of specific risk factors for substance abuse, such as poor school achievement, school dropouts, association with antisocial and gang-involved peers, aggressiveness, and conduct disorders, including drug-use initiation.

(2) Specific Prevention Strategies. The following is a description of the specific prevention strategies that are provided as specified in subsection 65D-30.013(1), F.A.C., regarding levels 1 and 2 prevention services. The specific prevention strategies fall under the following categories.

(a) through (d) No change.

(e) Community-Based Process. The intent of this strategy is to enhance the ability of the community to more effectively provide prevention and treatment services.

(f) No change.

(g) Prevention Counseling. The intent of this strategy is to provide problem-focused counseling approaches toward the resolution of risk factors for substance abuse. Such factors include conduct problems, association with antisocial peers, and problematic family relations. The goal is to enhance the protection of the client from identified risks. This strategy does not involve treatment for substance abuse.

(3) General Requirements.

(a) Program Description. Providers shall describe generally accepted prevention practices that will be available to groups or individuals. For all prevention programs offered, this description shall include: Population Served. Providers shall describe the population to be served, indicating whether the population is universal, indicated, or selected, and include age, gender, race/ethnicity, and relevant risk and protective factor indicators.

1. The target population, including relevant demographic factors;

2. The risk and protective factors to be addressed;

3. The specific prevention strategies identified in subsection 65D-30.013(2), F.A.C., to be utilized;

4. The appropriateness of these services to address the identified risk and protective factors for the group or individuals to be served; and

5. How the effectiveness of the services will be evaluated.

(b) Staffing Patterns. Providers shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the prevention field. Services. Providers shall describe the programs and materials which are used to provide services, whether services are universal, selective, or indicated, specific strategies to be used, and the appropriateness of the services relative to the needs of the target population. Providers shall also describe generally accepted prevention practices that will be available to groups or individuals.

(c) Referral. Providers shall have a plan for assessing the appropriateness of prevention services and conditions for referral to other services. The plan shall include a current directory of locally available substance abuse services and other human services for referral of prevention program participants, or prospective participants. Staffing Patterns. Providers shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the prevention field.

(d) Evaluation. Providers shall evaluate the effectiveness of all prevention services described in subsection 65D-30.013(2), F.A.C., at least annually. The department shall review the results of providers' program evaluation efforts annually and all technical materials used by providers to ensure consistency with current research in the prevention field. Staff Training. Providers shall have a staff training plan that ensures



~~that all staff receive basic training in science-based prevention and that supports staff in attaining addictions prevention certification. Staff shall receive training specific to their assigned duties and responsibilities. All staff shall be trained in basic pharmacology, identification of risk and protective factors, the provider's process and outcome evaluation strategy, and methods of accessing and utilizing local provider resources. The successful completion of this training shall be documented in their personnel record.~~

~~(e) Referral. Providers shall have a plan for assessing the appropriateness of prevention services and conditions for referral to other services. The plan shall include a current directory of locally available substance abuse and other human services for referral of prevention program participants, or prospective participants.~~

~~(f) Evaluation. Providers shall evaluate the effectiveness of the services described in subsection (2) at least annually. The department shall review the results of providers' program evaluation efforts annually and all technical materials used by providers to ensure consistency with current research in the prevention field.~~

(4) Activity Logs for Level 1 Prevention. Providers shall maintain records of all Level 1 prevention activities, including the following:

(a) A description of the characteristics of the target population;

(b) The risk and protective factors to be addressed;

(c) A description of the activities;

(d) The duration of the activities;

(e) The number of participants;

(f) The location of service delivery; and

(g) Tracking of individual participant attendance when a course or series of sessions are required by the prevention curriculum or strategy.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(g), 397.321(1), 397.419 FS. History—New 5-25-00, Amended.

65D-30.014 Standards for Medication and Methadone Maintenance Treatment.

In addition to ~~Rule section~~ 65D-30.004, the following standards apply to Medication and Methadone Maintenance Treatment.

(1) through (2) No change.

(3) Determination of Need.

(a) No change.

(b) Procedure. The department shall publish the results of the assessment in the Florida Administrative Weekly by June 30. The publication shall direct interested parties to submit applications for licensure to the department's district office where need has been demonstrated and shall provide a closing date for submission of applications. The district office shall conduct a formal rating of applicants on a form titled MEDICATION AND METHADONE MAINTENANCE

TREATMENT NEEDS ASSESSMENT September 6, 2001, APPLICATION RATING FORM, March 1, 2000; incorporated herein by reference. The form may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Should the number of responses to the publication for a new provider exceed the determined need, the selection of a provider shall be based on the following criteria:

1. through 2. No change.

3. History ~~Any past history~~ of substantial noncompliance by the respondent with departmental rules.

(4) General Requirements.

(a) through (b) No change.

(c) Special Permit and Consultant Pharmacist.

1. Special Permit.

a. All facilities ~~that~~ which distribute methadone or other medication shall obtain a special pharmacy permit from the State of Florida Board of Pharmacy. New applicants shall be required to obtain a special pharmacy permit prior to licensure by the department.

b. No change.

2. Consultant Pharmacist. The responsibilities of the consultant pharmacist include the following:

a. Develop operating procedures relative to the supervision of the compounding and dispensing of all drugs dispensed in the clinic;

b. Provide pharmaceutical consultation;

c. Develop operating procedures for maintaining all drug records and security in the area within the facility in which the compounding, storing, and dispensing of medicinal drugs will occur;

d. Meet face-to-face, at least quarterly with the medical director to review the provider's pharmacy practices. Meetings shall be documented in writing and signed and dated by both the consultant pharmacist and the medical director;

e. Prepare written reports regarding the provider's level of compliance with established pharmaceutical procedures. Reports shall be prepared at least semi-annually and submitted, signed and dated to the medical director; and

f. Visit the facility at least every 2 weeks to ensure that established procedures are being followed, unless otherwise stipulated ~~a deviation is granted~~ by the state Board of Pharmacy ~~and the state authority~~. A log of such visits shall be maintained and signed and dated by the consultant pharmacist at each visit.

3. No change.

(d) No change.

(e) Minimum Responsibilities of the Physician. The responsibilities of the physician include the following:

1. through 4. No change.

5. To ensure that a face-to-face assessment is conducted with each client at least annually, including evaluation of the client's progress in treatment, and justification for continued maintenance or medical clearance for voluntary withdrawal or a dosage reduction protocol. The assessment shall be conducted by a physician or a P.A. or A.R.N.P. under the supervision of a physician. If conducted by other than a physician, the assessment shall be reviewed and signed by a physician in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. The protocol shall include criteria and the conditions under which the assessment would be conducted more frequently.

(f) Client Registry.

1. No change.

2. Providers may volunteer to coordinate the registry activities or, in the event that no provider volunteers, ~~a provider will be designated by the state authority~~ shall designate a provider.

3. Providers shall submit, with the application for licensure, written plans for participating in registry activities. ~~Participation in registry activities shall be documented in writing to the state authority and shall be subject to its approval.~~

4. through 5. No change.

6. Individuals applying for maintenance treatment shall be informed of the registry procedures and shall be required to sign a consent form before receiving services. Individuals who apply for services and do not consent to the procedures will not be placed in maintenance treatment ~~admitted.~~

7. No change.

(g) Operating Hours and Holidays. Providers shall post operating hours in a conspicuous place within the facility. This information shall include hours for counseling and medicating clients. All providers shall be open Monday through Saturday Friday for 8 hours each day with a minimum of 2 hours of medicating time accessible daily outside the hours of 9:00 a.m. to 5:00 p.m. and shall be open on Saturday for a minimum of 2 hours. Providers shall have medicating hours and counseling hours that accommodate clients, including 2 hours of medicating time accessible daily outside the hours of 9:00 a.m. to 5:00 p.m. Providers are required to medicate on Sundays according to client needs. This would include clients on Phase 1, clients on a 30 to 180-day detoxification regimen, and clients who need daily observation. The provider shall develop operating procedures for Sunday coverage. When holidays are observed, all clients shall be given a minimum of a 7-day 3-day notice. When applying for a license, providers shall inform the respective ~~departmental~~ district offices of their intended holidays. In no case shall two or more holidays occur in immediate succession unless the provider is granted an exemption by the federal authority. Take-out privileges shall be available to all methadone clients during holidays, but only if clinically advisable. On those days during which the provider

is closed, services shall be accessible to clients for whom take out methadone is not clinically advisable. Clients who fall into this category shall receive adequate notification regarding the exact hours of operation.

(5) Maintenance Treatment Standards.

(a) Standards for Placement Admission.

1. A person aged 18 or over shall be placed in treatment ~~admitted~~ as a client only if the physician determines that the person is currently physiologically addicted to opioid drugs and became physiologically addicted at least 1 year before placement in admission ~~to~~ maintenance treatment. A 1-year history of addiction means that an applicant for placement in admission ~~to~~ maintenance treatment was physiologically addicted to opioid drugs at least 1 year before placement admission and was addicted continuously or episodically for most of the year immediately prior to placement in admission ~~to~~ a provider. In the event the exact date of physiological addiction cannot be determined, the physician may admit the person to maintenance treatment if, by the evidence presented and observed, it is reasonable to conclude that the person was physiologically addicted during the year prior to placement admission. Such observations shall be recorded in the client record by the physician. Participation in treatment must be is voluntary.

2. A person under 18 is required to have had two documented unsuccessful attempts at short-term detoxification or drug-free treatment within the last year to be eligible for maintenance treatment. ~~A 1-week waiting period is required after such a detoxification attempt, however, before another attempt is repeated.~~ The physician shall document in the client's record that the client continues to be or is again physiologically dependent on opioid drugs. No person under 18 years of age shall be placed in admission ~~to~~ maintenance treatment unless a parent, legal guardian, or responsible adult provides written consent.

3. No change.

(b) Exemption from Minimum Standards for Placement Admission.

1. A person who has resided in a penal or chronic-care institution for 1 month or longer may be placed in admission ~~to~~ maintenance treatment within 14 days before release or within 6 months after release from such institution. This can occur without documented evidence to support findings of physiological addiction, providing the person would have been eligible for placement admission before incarceration or institutionalization, and in the reasonable clinical judgment of the physician, treatment is medically justified. Documented evidence of prior residence in a penal or chronic-care institution, evidence of all other findings, and the criteria used to determine the findings shall be recorded by the physician in the client record. The physician shall sign and date these recordings before the initial dose is administered.

2. Pregnant clients, regardless of age, who have had a documented addiction to opioid drugs in the past and who may be in direct jeopardy of returning to opioid drugs with all its attendant dangers during pregnancy, may be placed in maintenance treatment. For such clients, evidence of current physiological addiction to opioid drugs is not needed if a physician certifies the pregnancy and, in utilizing reasonable clinical judgment, finds treatment to be medically justified. ~~Within 3 months after termination of pregnancy, the physician shall evaluate the client's condition and document whether she should continue to receive services or be detoxified.~~ Pregnant clients may be placed on a maintenance regimen using a medication other than methadone only upon the written order of a physician who determines this to be the best choice of therapy for that client patient. Documented evidence of current or prior addiction and criteria used to determine such findings shall be recorded in the client record by the admitting physician. The physician shall sign and date these recordings prior to administering the initial dose.

3. Up to 2 years after discharge or detoxification, a client who has been previously involved in maintenance treatment may be readmitted without evidence to support findings of current physiological addiction. This can occur if the provider is able to document prior maintenance treatment of 6 months or more and the physician, utilizing reasonable clinical judgment, finds readmission to maintenance treatment to be medically justified. ~~Evidence Documented evidence~~ of prior treatment and the criteria used to determine such findings shall be recorded in the client record by the physician. ~~The physician who~~ shall sign and date the information recorded in the client record these entries. The provider shall not place a client on a maintenance schedule unless the physician has determined that the client is unable to be admitted for services other than maintenance treatment.

(c) Denying a Client Treatment Denial of Admission. If a client will not benefit from a treatment regimen ~~that which~~ includes the use of methadone or other medication, or if treating the client would pose a danger to other clients, staff, or other individuals, the client may be refused treatment. This is permitted even if the client meets the standards for placement admission. The physician shall make this determination and shall document the basis for the decision to refuse treatment.

(d) Take-home Privileges.

1. No change.

2. Take-home doses of methadone may be granted if the client meets the following conditions:

a. Absence of recent abuse of drugs ~~including opioid drugs or other types of drugs, and alcohol~~, as evidenced by drug screening;

b. through i. No change.

3. through 4. No change.

(e) Take-home Phases. To be considered for take-home privileges, clients shall be in compliance with subparagraph (d)2. No take-homes shall be permitted during the first 30 days following placement admission unless approved by the state authority.

1. Phase I. Following 30 consecutive days in treatment, the client may will be eligible for 1 take-home per week from day 31 through day 90, provided that the client has had negative drug screens for the preceding 30 days.

2. Phase II. Following 90 consecutive days in treatment, the client may will be eligible for 2 take-homes per week from day 91 through day 180, provided that the client has had negative drug screens for the preceding 60 days.

3. Phase III. Following 180 consecutive days in treatment, the client may will be eligible for 3 take-homes per week with no more than a 2-day supply at any one time from day 181 through 1 year, provided that the client has had negative clean urine drug screens for the preceding 90 days.

4. Phase IV. Following 1 year in treatment, the client may will be eligible for 4 take-homes per week with no more than a 2-day supply at any one time through the second year of treatment, provided that the client has had negative clean urine drug screens for the preceding 90 days.

5. Phase V. Following 2 years in treatment, the client may will be eligible for 5 take-homes per week with no more than a 3-day supply at any one time, provided that the client has had negative clean urine drug screens for the preceding 180 days.

6. Phase VI. Following 3 years in treatment, the client may will be eligible for 6 take-homes per week, provided that the client has passed had all negative urine drug screens for the past year.

(f) Medical Maintenance. Providers must receive prior approval in writing from the State Authority to use the medical maintenance protocol. The provider may place a client on medical maintenance in those cases where it can be demonstrated that the potential benefits of medical maintenance to the client far exceed the potential risks. Only a physician may authorize placement of a client on medical maintenance. The physician shall provide justification in the client record regarding the decision to place a client on medical maintenance. The following conditions shall apply to medical maintenance.

1. To qualify for partial medical maintenance a client may receive no more than 13 take homes and must have been in treatment with the same clinic for four years with at least two years of negative drug screens.

2. To qualify for full medical maintenance a client may receive no more than 27 take homes and must have been in treatment with the same clinic for five years with at least three years of negative drug screens.

3. All clients in medical maintenance will receive their medication in tablet form only.

4. All clients will participate in a "call back" program by reporting back to the provider upon notice.

5. All criteria for take homes as listed under paragraph (d) shall continue to be met. The provider shall develop operating procedures for medical maintenance.

~~(g)(f)~~ Transfer Clients and Take Home Takeout Privileges. Any client who transfers from one provider to another within the state of Florida shall be eligible for placement on the same phase provided that verification of enrollment is received from the previous provider within two weeks of placement admission. The physician at the previous provider shall also document that the client met all criteria for their current phase and are at least on Phase I.

Any client who transfers from out-of-state is required to meet the requirements of subparagraph (d)2., and with verification of previous client records, the physician shall determine the phase level based on the client's history ~~and established phase guidelines~~.

~~(h)(g)~~ Transfer Information. When a client transfers from one provider to another, the referring provider shall release the following information:

1. through 2. No change.
3. Results of urine drug screens for the past 12 months;
4. through 7. No change.

This information shall be released prior to the client's arrival at the provider to which he or she is transferred. Providers shall not withhold a client's records when requested by the client ~~for a transfer~~ for any reason, including client debt. The referring provider shall forward the records directly to the provider of the client's choice.

~~(i)(h)~~ Exemptions from Take Home Take-home Privileges and Phasing Requirements for Methadone Maintained Clients.

1. If a client is found to have a physical disability which interferes with the client's ability to conform to the applicable mandatory schedule, the client may be permitted a temporarily or permanently reduced schedule by the physician, provided the client is also found to be responsible in handling methadone. Providers shall obtain medical records and other relevant information as needed to verify the physical disability. Justification for the reduced schedule This shall be documented in the client record by the physician who shall sign and date these entries.

2. A client may be permitted a temporarily reduced schedule of attendance because of exceptional circumstances such as illness, personal or family crises, and travel or other hardship which causes the client to become unable to conform to the applicable mandatory schedule. This is permitted only if the client is also found to be responsible in handling methadone. The necessity for an exemption from a mandatory schedule is to be based on the reasonable clinical judgment of the physician and such determination of necessity shall be recorded in the client record by the physician who shall sign and date these entries. A client shall not be given more than a

14-day supply of methadone at any one time unless an exemption is granted by the ~~federal and state~~ methadone authority and by the federal government, where appropriate.

3. No change.

4. Any exemption that which is granted to a client regarding travel shall be documented in the client's record. Such documentation shall include tickets prior to a trip, copies of boarding passes, copies of gas or lodging receipts, or other verification of the client's arrival at the approved destination. Clients who receive exemptions for travel shall be required to submit to a drug urine test on the day of return to the facility.

~~(j)(i)~~ Random Urine Drug Screening.

1. ~~An initial urine drug screen is to be completed for each prospective client.~~ At least one ~~random, monitored urine~~ drug screen, random and monitored, shall be performed on each client each month. The urine drug screen shall be conducted so as to reduce the risk of falsification of results. This shall be accomplished by direct observation or by another an accurate method of monitoring ~~the temperature of the urine specimen~~.

2. Clients who are on Phase VI shall be required to submit to one random urine drug screen at least every 90 days.

3. Each urine specimen shall be analyzed for methadone, benzodiazepines, ~~barbiturates, amphetamines,~~ opiates, ~~and~~ cocaine, and marijuana.

4. The physician shall review all positive drug screens in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C.

~~(k)(j)~~ Employment of Persons on a Maintenance Protocol. No staff member, either full-time, part-time or volunteer, shall be on a maintenance protocol unless a request to maintain or hire staff undergoing treatment is submitted with justification to and approved by the federal and state ~~methadone~~ authorities. Any approved personnel on a maintenance regimen shall not be allowed access to or responsibility for handling methadone or other medication.

~~(l)(k)~~ Caseload. No full-time counselor shall have a caseload that exceeds the equivalent of 32 currently participating clients. Participating client equivalents are determined in the following manner. A client seen once per week would count as 1.0 client equivalent. A client seen bi-weekly would count as a .5 client equivalent. A client seen monthly or less would count as a .25 client equivalent. As an example, a counselor has 15 clients that are seen weekly (counts as 15 equivalent clients), 30 clients seen biweekly (counts as 15 equivalent clients), and 8 clients seen monthly (counts as 2 equivalent clients). The counselor would have a total caseload of 53 individual clients equaling 32 equivalent clients. ~~Caseload. No full-time counselor shall have a caseload that exceeds the equivalent of 40 currently participating clients. A participating client is defined as a client who participates in counseling at least once per week. For example, a counselor has 15 clients who are seen weekly. This will count for 15 clients on that counselor's caseload, because they are seen~~

weekly. The same counselor has 38 clients who need to be seen every other week. This counts for 19 clients on the caseload, because they are seen every two weeks. The counselor also has 16 clients who are seen once per month. This counts for 4 clients on the caseload, because they are seen every four weeks. Therefore, the counselor has a caseload the equivalent of 38 participating clients with a total of 69 actual clients.

(m)(4) Termination From Treatment.

1. There will be occasions when clients will need to be terminated from maintenance treatment. Clients who fall into this category ~~are those who: attempt to sell or deliver their prescribed drugs, become or continue to be actively involved in criminal behavior, or consistently fail to adhere to the requirements of the provider.~~

a. Attempt to sell or deliver their prescribed drugs;

b. Become or continue to be actively involved in criminal behavior;

c. Consistently fail to adhere to the requirements of the provider;

d. Persistently use drugs other than methadone; or

e. Do not effectively participate in treatment programs to which they are referred.

Such clients shall be ~~withdrawn detoxified~~ in accordance with a dosage reduction schedule prescribed by the physician and referred to other treatment, as clinically indicated. ~~This Such~~ action shall be documented in the client record by the physician.

2. Providers shall establish criteria for involuntary termination from treatment that describe the rights of clients as well as the responsibilities and rights of the provider. All clients shall be given a copy of these criteria upon placement at admission and shall sign and date a statement that they have received the criteria acknowledging receipt of same.

(n)(4) Withdrawal from Maintenance.

1. The physician shall ensure that all clients in maintenance treatment receive an annual assessment ~~conducted face-to-face by the physician.~~ This assessment may coincide with the annual assessment of the treatment plan and shall include an evaluation of the client's progress in treatment and the justification for continued maintenance, ~~or medical clearance for voluntary withdrawal or a dose reduction protocol.~~ The assessment and recommendations shall be recorded in the client record ~~by the physician who shall sign and date these entries.~~

2. A client being withdrawn from maintenance treatment shall be closely supervised during withdrawal. A ~~schedule of dosage reduction~~ schedule shall be established by the physician.

(o)(4) Services.

- 1. No change.
- 2. Counseling.
  - a. No change.

b. If fewer sessions are clinically indicated for a client, this shall be justified and documented in the client record. In no case shall sessions be scheduled less frequently than every 90 days. This would apply to those clients who have been with the program longer than three years and have demonstrated the need for less frequent counseling in accordance with documentation in the treatment plan.

c. No change.

(6) Satellite Maintenance.

(a) A satellite maintenance dosing station must be operated by a primary, licensed comprehensive maintenance provider and must meet all applicable regulations in Rule section 65D-30.004, F.A.C., and subsection 65D-30.014(4), F.A.C.

(b) No change.

Specific Authority 397.21(5) FS. Law Implemented 397.311(19)(f), 397.321(1), 397.419, 397.427, 465 FS. History--New 5-25-00, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Phil Emenheiser

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken DeCerchio, Program Director for Substance Abuse

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

Purchase Order No.: HA0058

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE CHAPTER NO.: 1A-36 RULE NOS.: 1A-36.001 1A-36.002 1A-36.003 1A-36.004 1A-36.005 1A-36.006 1A-36.007  1A-36.008 1A-36.009 1A-36.010 1A-36.011	RULE CHAPTER TITLE: Florida Main Street Program RULE TITLES: Purpose Definitions Program Information Program Description Eligibility Requirements Application Procedures Ad Hoc Florida Main Street Advisory Committee Application Review Program Administration Active Local Programs Secretary of State's Florida Main Street Awards Program
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**NOTICE OF WITHDRAWAL**

Notice is hereby given that the proposed rule, published in the Florida Administrative Weekly, Vol. 28, No. 10, March 8, 2002, has been withdrawn.

**DEPARTMENT OF INSURANCE**

**Division of Workers' Compensation**

RULE NO.:                   RULE TITLE:  
4L-6.022                   Confidentiality of Records  
                                  Produced by the Division

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above Rule as noticed in Vol. 28, No. 43, October 25, 2002, of the Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.:   RULE CHAPTER TITLE:  
14-15                   Incorporation by Reference  
RULE NO.:             RULE TITLE:  
14-15.0081            Toll Facilities Description and Toll  
                                  Rate Schedule

**NOTICE OF CHANGE**

**SUMMARY OF CHANGES:** The purpose of this rulemaking is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of an interchange that is constructed for SunPass use only on Florida's Turnpike at State Road 710/Northlake Boulevard in Palm Beach County. This new interchange will be located approximately 6.6 miles north of the existing Okeechobee Boulevard interchange and approximately 2.4 miles south of the existing PGA Boulevard interchange. Only SunPass users may enter or exit at this interchange location. Appropriate signage will be in place to advise motorists that the interchange is for SunPass users only. A revised hearing notice is as follows:

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

**TIMES AND DATE:** Informal Open House: 6:00 p.m.; Formal Hearing: 6:30 p.m., December 3, 2002

**PLACE:** Palm Beach Gardens Community High School, 4245 Holly Drive, Palm Beach Gardens, Florida

This hearing is being conducted in conjunction with a design public hearing, which also is announced in the meetings, hearings, and workshops section of this Florida Administrative Weekly.

The original Notice of Rulemaking was published in Vol. 28, No. 34, Florida Administrative Weekly, dated August 23, 2002.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.:   RULE CHAPTER TITLE:  
14-99                   Rest Area Information (RestInfo)  
                                  Program

RULE NO.:                   RULE TITLE:  
14-99.001                 RestInfo Program  
                                  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 Florida Administrative Weekly, Vol. 28, No. 40, dated October 4, 2002.

**SUMMARY OF CHANGE:** In response to a review by the Joint Administrative Procedures Committee, the last sentence of the proposed paragraph (5)(a) is deleted in its entirety as shown below:

(5) Fees and Costs.

(a) Program participants shall be charged a permit fee for each display area at which a message is displayed. Such permit fees shall not exceed \$1800.00 per year for a 14" x 22" message, depending upon the location of the message within the display area. A \$50.00 production fee shall be charged for each message. An additional \$50.00 production fee will be charged for any requested changes to the initial message, or for any requested changes of message location. ~~Discounts may be given for the purchase of additional space within a display area or for purchase of space in multiple display areas.~~

**NOTE:** Although this is a new rule, the above deletion is coded with a strike through coding to indicate deletion of the language which was proposed in the notice of rulemaking.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40D-1.659                 Forms and Instructions

**NOTICE OF RESCHEDULED PUBLIC HEARING**

The Southwest Florida Water Management District hereby gives notice in accordance with subparagraph 120.54(3)(c), F.S., that the public hearing regarding the Notice of Proposed Rulemaking for Rule 40D-1.659, F.A.C., to incorporate the Wholesale Public Supply Water Use Permit Application, Form No. 46.20-014 (\_\_\_/02) published in Vol. 28, No. 27, Pages 2884 and 2885 on July 5, 2002 of the Florida Administrative Weekly, and subsequent Notice of Change published in Vol. 28, No. 30, Page 3277 on July 26, 2002 of the Florida Administrative Weekly is rescheduled from October 29, 2002 to a date to be announced.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disability Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-12.005  
 RULE TITLE: Program Forms  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the Ron Silver Senior Drug Program, as published in Vol. 28 No. 33, August 16, 2002, issue of the Florida Administrative Weekly.

59G-12.005 Program Forms.

The following forms shall be used by the Silver Saver program, and are hereby incorporated by reference and available through either the agency or the Department of Children and Families:

(1) Silver Saver Application form, Silver Saverx CF-ES 2935, effective July 2002, may be obtained by calling 1(888)419-3456 developed by the Department of Children and Families.

(2) Recipient notifications of eligibility ~~and enrollment, form CF-ES 2936, effective August 2002, is mailed to the applicant after eligibility is determined developed by the Department of Children and Families and the agency, respectively.~~ Upon receiving eligibility status from DCF, recipient notifications of enrollment letter, form AHCA SSEAL 01, effective July 2002, notifies the applicant that he/she has been enrolled or placed on a waiting list.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE NO.: 61G7-10.0014  
 RULE TITLE: Requirements for Evidence of Workers' Compensation Coverage  
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No. 40, September 27, 2002, issue of the Florida Administrative Weekly. Based on comments received from the Joint Administrative Procedures Committee the Board has voted to change subsection (3) as follows:

(3) Evidence which meets the requirements of (2) above shall consist of:

(a) A statement, initially filed with the application and thereafter filed quarterly at the same time that the statements provided for in Rule 61G7-10.001, F.A.C., are submitted, which is signed by all of the controlling persons of the applicant or licensee and which attests that all leased employees in the State are covered by methods (2)(a) or (b) above; or

(b) If the employee leasing company performs its duties regarding workers' compensation coverage utilizing method (2)(c) either alone or in combination with methods (2)(a) or (b), by submitting a written statement to the Department, initially filed with the application and thereafter filed quarterly at the same time that the statements provided for in Rule 61G7-10.001, F.A.C., are submitted, which has been executed by all of the controlling persons, the CEO, the CFO, and the Chairman of the Board of the employee leasing company. The statement shall include an attestation by the signing parties that the statement was executed after due inquiry of the employee leasing company's books and records and that, after making such an inquiry, the signing persons have taken reasonable steps to ascertain that all leased employees have workers' compensation coverage under methods (2)(a)-(c) above. The term "Reasonable Steps" as used herein is defined as requiring those persons making the above attestation, at a minimum,

1. To receive and review a workers' compensation certificate from all clients which are maintaining their own workers' compensation policy, which certification its face provides workers' compensation coverage to such clients' leased employees and,

2. To confirm that the client has reported that it has obtained such workers' compensation coverage to the Florida Department of Insurance.

(c) In addition to the foregoing, the statement shall set out the percentage of leased employees in the State which are covered by each of the methods set out in subsections (2)(a)-(c) above as of the date of the statement.

(d) The information and assertions contained in the statement shall be subject to audit and verification by the Department as per section 468.535, Fla. Stat.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Employee Leasing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0767

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.015  
 RULE TITLE: Notices of Satisfactory Course Completion

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 28, No. 22, May 31, 2002, has been withdrawn.

**DEPARTMENT OF HEALTH**

RULE NO.: 64-2.002  
 RULE TITLE: Scope of Responsibility for Medical and Clinical Directors

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. 28, No. 37, September 13, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the public during a rule hearing held on September 26, 2002.

The rule shall now read as follows:

Effective February 1, 2003, a medical or clinical director shall not maintain responsibility for more than five (5) health care clinics, and oversee more than 200 licensees as that term is defined in s. 456.001(6), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from BellSouth Telecommunications, Inc. in Docket No. 021070-TL, filed October 22, 2002, seeking waiver from paragraph 25-4.073(1)(d), Florida Administrative Code. The rule addresses the time in which a incumbent local exchange carrier must answer incoming calls.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice.

For additional information, please contact Patricia A. Christensen, Office of the General Counsel, at the above address or telephone (850)413-6220.

NOTICE IS HEREBY GIVEN that on October 21, 2002, the Florida Public Service Commission received a Petition from BellSouth Telecommunications, Inc. (Docket No. 021062-TL) seeking, among other things, emergency waiver of Rule 25-4.118, Florida Administrative Code. The rule requires that a

customer's service provider cannot be changed without the customer's authorization, and sets forth the process by which such authorization must be obtained.

Comments on this Petition should be filed with the Commission's Division of Commission Clerk and Administrative Services, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice.

A copy of the Petition may be obtained from: Commission's Division of Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6770.

For additional information, contact: Wayne Knight, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, telephone (850)413-6232.

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from City Gas Company in Docket No. 021065-GU, seeking waiver from Rules 25-7.084 and 25-7.085, Florida Administrative Code.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. The rules address meter readings and customer billing.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

For additional information, please contact Jennifer Brubaker, Office of the General Counsel, at the above address or telephone (850)413-6199.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection is granting a petition for variance received from EnviroLogic, Inc., (OGC Case Number 02-1128) on July 30, 2002. Notice of receipt of this petition was published in the Florida Administrative Weekly and the Department's Internet, on September 6, 2002. The petition requested a variance from the zone of discharge prohibition for discharges through wells under subsection 62-522.300(3) of the Florida Administrative Code.

The full text of this notice is 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," under the underground injection control program area.

For information on this final order call: Cathy McCarty, (850)245-8654.

The Department of Environmental Protection is granting a petition for variance received from ARCADIS G&M, Inc., (OGC Case Number 02-1032) on July 16, 2002. Notice of



receipt of this petition was published in the Florida Administrative Weekly and the Department's Internet, on August 16, 2002. The petition requested a variance from the zone of discharge prohibition for discharges through wells under subsection 62-522.300(3) of the Florida Administrative Code.

The full text of this notice is 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," under the underground injection control program area.

For information on this final order call: Cathy McCarty (850)245-8654.

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DEP received on October 18, 2002, a petition from Environmental Chemical Corporation (FDEP Facility ID. No. 519200278, T&G Properties Site) for a waiver pursuant to Section 376.3071(12)(k)(5), F.S., of certain record keeping requirements under Section 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on October 10, 2002, a petition from the Department of Air Force, Cape Canaveral Air Force Station, seeking a variance under Section 120.542, F.S., of the Florida Statutes from the requirements of subsection 62-520.420(1), Florida Administrative Code.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under link or button entitled "Official Notices".

For more information, call: Anil Desai, P.G., (407)893-3305.

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## DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on October 22, 2002, the Board of Hearing Aid Specialists received a Petition for Variance from Rule 64B6-2.002(1), Florida Administrative Code, from Patricia (Tricia) A. Baker. The Petition requests a Variance from the rule that specifies:

64B6-2.002 Definitions.

For the purpose of this chapter the following definitions apply:

(1) "Actively practicing" means dispensing hearing aids directly to clients at least an average of fifteen (15) hours per week for twelve (12) of the eighteen (18) months immediately preceding the application, as shown by at least two sales receipts per month for twelve (12) of the eighteen (18) months immediately preceding the application, each receipt bearing the applicant's signature and address of place(s) of business.

Comments on this Petition should be filed with Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

For a copy of the Petition or for information regarding the date and location of the hearing at which the Petition will be considered, please contact Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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The Board of Medicine hereby gives notice that it has received a petition filed on behalf of Abel Murillo, M.D., on October 18, 2002, seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

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The Board of Medicine hereby gives notice that Petition for Waiver or Variance filed by Julio F. Gallo, M.D., has been withdrawn.

The person to be contacted regarding this Petition is Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that Petition for Waiver or Variance filed by Kriston Kent, M.D., has been withdrawn.

The person to be contacted regarding this Petition is Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that Petition for Waiver or Variance filed by Robert L. Simons, M.D., has been withdrawn.

The person to be contacted regarding this Petition is Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that Petition for Waiver or Variance filed by James D. Stern, M.D., has been withdrawn.

The person to be contacted regarding this Petition is Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that Petition for Waiver or Variance filed by Thomas P. Trevisani, M.D., has been withdrawn.

The person to be contacted regarding this Petition is Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that Petition for Waiver or Variance filed by Yoav Barnavon, M.D., has been withdrawn.

The person to be contacted regarding this Petition is Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has received a petition filed on May 30, 2002, by Amar Elsaadat, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

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The Board of Medicine hereby gives notice that it has received a petition filed on September 25, 2002, on behalf of Sheldon K. Cho, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE and the restriction on the number of attempts for passage.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

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The Board of Medicine hereby gives notice that it has received a petition filed on October 10, 2002, by Daniel Urrego, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE and the restriction on the number of attempts for passage.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

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The Board of Medicine hereby gives notice that it has received a petition for waiver filed on October 18, 2002, by Russel S. Palmer, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

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The Board of Medicine hereby gives notice that it has received a petition for waiver filed on October 23, 2002, by Douglas D. Dedo, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

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The Board of Medicine hereby gives notice that it has received a petition filed on October 21, 2002, on behalf of Demian G. Mousad, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

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## 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  
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 26, 2002, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: 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 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 Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

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.

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#### DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces the meeting of a Leadership Task Force.

**DATE AND TIME:** Friday, November 22, 2002, 10:00 a.m. – 3:00 p.m. (Eastern Standard Time)

**PLACE:** The State Library of Florida, Third Floor, Training Room, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Leadership Task Force will advise the Division on issues relating to developing a statewide leadership program.

For additional information contact: Barratt Wilkins, State Librarian, (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

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The **Department of State** announces a public meeting of the Florida State Historical Records Advisory Board which all interested persons are invited.

**DATE AND TIME:** December 9, 2002, 1:00 p.m. – 4:00 p.m.

**PLACE:** R. A. Gray Building, 3rd Floor, Training Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the long-range plan of the Board and possible grant funding opportunities.

For further information contact: Mr. Jim Berberich, Coordinator, Florida State Historical Records Advisory Board, Department of State, Bureau of Archives and Records Management, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6700, Suncom 205-6700.

Pursuant to Section 286.26, Florida Statutes, any persons requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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The Private Investigation, **Recovery and Security Advisory Council** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, December 5, 2002, 9:00 a.m.

**PLACE:** Adam's Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida, (904)633-9095

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by writing: Department of State, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice. Telephone: (850)488-6982

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#### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold a meeting on:

**DATES AND TIMES:** Monday, November 18, 2002, 1:00 p.m. – 4:00 p.m.; Tuesday, November 19, 2002, 11:00 a.m. – 3:00 p.m.

**PLACE:** Please call (850)414-3300 for instructions on participation. The Capitol, Florida Cabinet Meeting Room, 400 S. Monroe St., Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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The Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

**DATE AND TIME:** Thursday, November 21, 2002, 10:00 a.m.

**PLACE:** Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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#### DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: December 12, 2002, 10:00 a.m. – 5:00 p.m.

PLACE: Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, FL

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

To obtain further information contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, (850)410-9853.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

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#### DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: November 22, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Florida State Fire College, 11655 N. W. Gainesville Rd., Ocala, FL 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Firefighters Employment, Standards and Training Council Special Exemption Sub-Committee to contact Fire Service Organizations requesting exemptions.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, FL 34482-1486.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the person listed above no later than 48 hours prior to the meeting or workshop.

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The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: December 5, 2002, 1:00 p.m.

PLACE: Atrium Building, Third Floor, Conference Room, 325 John Knox Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Request for a special exception from the Historical Task Force under Chapter 509, Florida Statutes, for Kenwood Inn and Southern Wind, both of St. Augustine, Florida, as that statute pertains to historical buildings and public lodging establishments.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodation to participate in this meeting, please contact Millicent King, 200 E. Gaines Street, Tallahassee, FL 32399-0342 or call (850)413-3619 or Fax (850)922-2553, at least five calendar days before the meeting for assistance.

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NOTICE OF CORRECTION – The **Governor's Commission on Workers' Compensation Reform** announces the following public meeting to which all persons are invited.

DATE AND TIME: November 12, 2002, 8:45 a.m. – 5:00 p.m.

PLACE: Florida International University, Koven's Conference Center, Room 214A, 3000 N. E. 151st Street, North Miami, Florida 33181, (305)919-5000, (305)919-5001 Fax

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workers' Compensation Reform.

Any person requiring special accommodations to participate in this meeting is asked to advise staff at least 48 hours prior to the meeting by contacting Jacki Lawhon, (850)922-8062.

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#### DEPARTMENT OF EDUCATION

The **Education Commissioner Charlie Crist** announces the fall adoption meetings of the State Instructional Materials Committees. The meeting is open to the public.

Integrated Sciences, 9-12

DATES AND TIME: November 19-20, 2002, 8:30 a.m.

PLACE: Embassy Suites, Lake Buena Vista, 8100 Lake Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committees will evaluate instructional materials that were submitted for consideration by publishers in June of 2002 and

will recommend titles to be placed on the state-adopted list of instructional materials for use by public schools beginning with the 2003-2004 school year.

Copies of the agenda and committee rosters and further information about the meetings may be obtained by contacting: Department of Education, Instructional Materials Office, (850)487-8791.

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The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: November 14, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Campus, 777 Glades Road, ADM-350, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting regarding Florida's Art in State Buildings Program for BR-638, Life Behavior Sciences Phase 1.

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Bldg., Room 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

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The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: November 19, 2002, 10:00 a.m. – 11:00 a.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, MacArthur Campus at Jupiter, 5353 Parkside Drive, MAC #222, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting regarding Florida's Art in State Buildings Program for BR-665, For Expansion of Commons Dining Room.

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Bldg., Room 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

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The **Florida Atlantic University**, Board of Trustees announces the following meetings to which all persons are invited.

DATE AND TIMES: Wednesday, November 20, 2002, 10:00 a.m., Board of Trustees Workshop; 1:30 p.m., Finance and Audit Committee; Board of Trustees Meeting immediately following

PLACE: Boca Raton Campus, Kenneth R. Williams Administration Building, Board of Trustees Room 305, 777 Glades Road, Boca Raton, Florida 33431

A copy of the agenda may be obtained by contacting: Dr. Kenneth Jessell, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-2011.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

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The **Florida Rehabilitation Council for the Blind**, gives notice that the Evaluation and Planning Committees are conducting separate teleconference meetings for the purpose of discussing goals and priorities consistent with the purpose of establishing a working relationship with the Division of Blind Services; Interested individuals may join both or either teleconference by notifying Phyllis Dill, Division of Blind

Services, 7209 N. 9th Avenue, Suite A-11, Pensacola, FL 32504, or calling (850)484-5030, or through the Florida Telephone Relay system number 711.

#### EVALUATION COMMITTEE

DATE AND TIME: Tuesday, November 19, 2002, 9:00 a.m. – 11:00 a.m.

PLACE: Toll Free 1(877)651-3473, Tallahassee 413-9245

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

- 1) Develop process for an exit survey.
- 2) Review current survey tool.
- 3) Analyze current data.
- 4) Develop a process through which the council or division could recognize on a regular basis staff in the field who are doing an excellent job.

#### PLANNING COMMITTEE

DATE AND TIME: Tuesday, November 26, 2002, 9:00 a.m. – 11:00 a.m.

PLACE: Toll Free 1(888)461-8118, Tallahassee 414-5775

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

- 1) Cooperative Agreement.
- 2) State Plan.
- 3) Resource Plan.

### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

#### SEP CFF MEETING

DATE AND TIME: December 19, 2002, 9:00 a.m. – 4:30 p.m.

PLACE: University of South Florida, Center for Urban Transportation Research, Room CUT-100, 4202 East Fowler Avenue, Tampa, Florida 33620-5375

ACTIONS TO BE TAKEN: The CFF will consider the following items:

- 1) Review of Progress on the CFFAB “Cornerstone Report”.
- 2) Overview of the Status of, and comments on the draft report.
- 3) Consideration of final recommendations of the CFFAB for inclusion in the Cornerstone Report.
- 4) Report on State Energy Initiatives.
- 5) Legislative Outreach Committee Report.
- 6) Education and Outreach Committee Report.

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such

purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Essie Turner, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

### DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public meeting of the Property Tax Administration Task Force to which all interested persons are invited.

DATE AND TIME: Wednesday, November 20, 2002, 10:00 a.m.

PLACE: Tallahassee Regional Airport, Dale Mabry Conference Center, McDonnell Douglas Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the twelfth meeting of the Property Tax Administration Task Force. This is the seventh meeting of the Task Force as authorized by Chapter 2001-137, L.O.F. The Task Force will consider proposed enhancements to the tax roll evaluation process, value adjustment board process, tangible personal property evaluation, and other administrative and legislative issues. During this meeting the Task Force will form temporarily into work groups to work further on issue identification, clarification and consolidation. Work groups will address the Property Tax Administration, including assessments, assessment appeals, TRIM and tax collection, and exemptions.

A copy of the agenda may be obtained by writing: Director, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, or by calling Theda Eaton or Kathy Henley, (850)488-3338, or accessing the Department’s web site at <http://sun6.dms.state.fl.us/dor/property/ptaac>.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: In accordance with the American’s with Disabilities Act, any person requiring special accommodations to participate in any proceeding before the Property Tax Administration Task Force is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Kathy Henley or Theda Eaton, (850)488-3338. If you are hearing or

speech impaired, please contact the Department using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited.

DATE AND TIME: December 5, 2002, 6:30 p.m.

PLACE: Port St. Lucie High School, Cafeteria, 1201 Southeast Jaguar Lane, Port St. Lucie, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project Identification Number 231444-1-22-01 and Federal Aid Project Number FL 62-023R, otherwise known as Walton Road in St. Lucie County, Florida. Project limits along Walton Road are from West of Village Green Drive to East of Lennard Road in St. Lucie County.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call (954)777-4323, or toll free 1(866)336-8435, Ext. 4323. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Richard Young, P.E., Project Manager, Florida Department of Transportation, Office of Planning and Environmental Management, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

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The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: November 15, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Transportation, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Teleconference of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting are asked to advise the Commission at least 48 hours before the meeting by contacting Cathy Goodman, (850)414-4105.

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#### STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 15, 2002, 9:00 a.m.

PLACE: The Hermitage Centre, Plaza Level, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, FL 32308. Call in number: (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop of the Investment Advisory Council (IAC). The IAC is a six-member advisory council, which reviews the investments made by the staff of the Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Cheryl D. Creel, 1801 Hermitage Boulevard, Suite 600, Tallahassee, Florida 32308, (850)413-1015.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify Dorothy Westwood, (850)488-4406.

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#### DEPARTMENT OF CITRUS

NOTICE OF CANCELLATION – The **Department of Citrus** announces a public meeting of the Fresh Orange and Specialty Advisory Council.

DATE AND TIME: November 5, 2002, 1:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee was meeting to receive an update on current, approved programs, and to discuss next steps and details of new program opportunities and other business that might come before the council for consideration.

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The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, November 20, 9:00 a.m. The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balance scorecards, licensing, rulemaking, modifying the Department's symbol program and other matters that are addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Equalization



Tax litigation, Treasa Towson vs. Bert A. Watson, individually and in his official capacity, Michael W. Sparks, individually and in his official capacity, Daniel L. Santangelo, individually and in his official capacity, Bob Crawford, in his official capacity only, and State of Florida, Department of Citrus and GBS Groves, et. al. vs. Florida Department of Citrus. The parties attending the closed session will be John R. Alexander, Walter L. Brewer, Tristan G. Chapman, Harry H. Falk, Christopher W. Gargano, Raymond A. Jackson, William E. Kemper, W. Lindsay Raley, Jr., Daniel R. Richey, Ray Smith, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monterey Campbell, Esq., Eric Taylor, Esq. and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

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### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 20, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

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### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its November 19, 2002, Agenda Conference, Docket No. 021018-GU, Application by Chesapeake Utilities Corporation (Chesapeake or Company) for Authorization to Issue Common Stock, Preferred Stock, and Secured and/or Unsecured Debt, and to Enter into Agreements for Interest Swap Products, and to Exceed Limitation Placed on Short-Term Borrowings in 2003. This docket was previously scheduled for the November

5, 2002, Agenda Conference; but, due to a scrivener's error, has been rescheduled for the above conference date. The Company seeks PSC approval, pursuant to Section 366.04, Florida Statutes, to issue up to 6,000,000 shares of Chesapeake common stock, up to 1,000,000 shares of Chesapeake preferred stock, up to \$80,000,000 of secured and/or unsecured debt, to enter into agreements for Interest Rate Swap Products, and to obtain authorization to exceed the limitation placed on short-term borrowings by Section 366.04, Florida Statutes, so as to issue short-term obligations in an amount up to \$40,000,000.

DATE AND TIME: Tuesday, November 19, 2002, Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 021018-GU.

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

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The Florida **Public Service Commission** will consider at its November 19, 2002, Agenda Conference, Docket No. 021084-EI, Application of Florida Power & Light Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell, and/or exchange any combination of the long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$4.3 billion during calendar year 2003. The Company also seeks permission to enter into forward refunding or forward swap contracts during calendar year 2003, in conjunction with which the Company seeks permission to issue and sell up to \$24.4 million of securities through December 31, 2003. In addition, the Company, pursuant to Section 366.04, Florida Statutes, seeks permission to issue and sell short-term securities during the calendar years 2003 and 2004 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of any such sale will not exceed 25% of the Company's gross revenues during the preceding twelve months of operation.

DATE AND TIME: Tuesday, November 19, 2002, Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 021084-EI.

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

For additional information, please contact: Katherine Echternacht, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission** will consider at its November 19, 2002 Agenda Conference, Docket No. 021088-EI, Gulf Power Company's application for authority to receive common equity contributions and issue and sell securities during the 12 months ending December 31, 2003. Pursuant to Section 366.04, Florida Statutes and Chapter 25-8, Florida Administrative Code, Gulf seeks authority to receive equity funds from the Southern Company (Southern), Gulf's parent company, to issue and sell long term debt and equity securities and to issue and sell short term securities. The maximum amount of common equity contributions received from Southern, the maximum amount of securities issued and the maximum principal amount of long-term debt securities issued will total not more than \$300 million. The maximum principal amount of short-term debt at any one time will total not more than \$190 million.

DATE AND TIME: November 19, 2002, Agenda Conference begins at 9:30 a.m., although the specific time at which this item will be heard cannot be determined at this time

PLACE: Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action on Docket No. 021088-EI.

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

For additional information, please contact: Lawrence Harris, Office of the General Counsel, (850)413-6076.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Governor's Select Task Force on Healthcare Professional Liability Insurance** announces telephone conference meetings to which all persons are invited. The calls will be on an as needed basis. Please call for verification that the Task Force is meeting.

DATE AND TIME: Monday, November 11, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(800)416-4254, Tallahassee 922-2903, Suncom 292-2903

DATE AND TIME: Wednesday, November 13, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(800)416-4254, Tallahassee 922-2903, Suncom 292-2903

DATE AND TIME: Friday, November 15, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee 921-5230, Suncom 291-5230

DATE AND TIME: Monday, November 18, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: 1(888)816-1123, Tallahassee 921-5230, Suncom 291-5230

DATE AND TIME: Wednesday, November 20, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(800)416-4254, Tallahassee 922-2903, Suncom 292-2903

DATE AND TIME: Monday, November 25, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee 921-5230, Suncom 291-5230

DATE AND TIME: Wednesday, November 27, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee 921-5230, Suncom 291-5230

DATE AND TIME: Friday, November 29, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee 921-5230, Suncom 291-5230

DATE AND TIME: Monday, December 2, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee 921-5230, Suncom 291-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Task Force issues.

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 Mary Pater or Faith Schneider, Florida Department of Health, General Counsel's Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider

using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Governor's Select Task Force on Healthcare Professional Liability Insurance** announces a Conference to which all persons are invited.

DATE AND TIME: Friday, November 22, 2002, 9:00 a.m. – 6:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 4th Floor, The Briefing Room, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work of the Governor's Select Task Force will make recommendations to protect Floridians' access to high-quality and affordable healthcare. The Governor's Select Task Force shall study the relevant issues and make written recommendations and/or propose legislation. The work product of the Governor's Select Task Force should include, but need not be limited to, the following: (1) findings from an examination of the Florida healthcare liability insurance market, pertinent tort laws, claims and premium data compared to other states of similar size and diversity; (2) an assessment of the impact of the cost, accessibility and availability of healthcare liability insurance on the cost, accessibility and availability of high quality healthcare in this state; and (3) specific strategies to ease the healthcare liability insurance crisis faced by physicians, hospitals and other healthcare providers in the state. A report of such recommendations and/or proposed legislation shall be submitted by January 31, 2003, to the Governor, the President of the Florida Senate and the Speaker of the House of Representatives.

To aid its study of the issues and the development of its recommendations, the Governor's Select Task Force shall take public testimony from experts and stakeholders. In addition, the Governor's Select Task Force 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 Mary Pater or Faith Schneider, Florida Department of Health, General Counsel's Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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## REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, November 21, 2002, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

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The **Tampa Bay Local Emergency Planning Committee (LEPC)**, District VIII announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 20, 2002, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702, (727)570-5151, Ext. 248.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, Ext. 217, within three working days of the meeting.

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The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 18, 2002, 11:30 a.m.

PLACE: Marathon EOC, 2798 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational workshop for the Florida Keys Carrying Capacity Model Work Group to discuss matters related to the model and its use.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: November 15, 2002, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: November 21, 2002, 10:00 a.m.

PLACE: Palm Beach County Emergency Operations Center, 20 S. Military Trail, West Palm Beach, FL 33415

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X, LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and

that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

**METROPOLITAN PLANNING ORGANIZATIONS**

The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following public meetings of its Governing Board and Executive Committee to which all persons are invited.

DATE AND TIMES: Wednesday, November 13, 2002, 9:00 a.m. and 11:00 a.m., respectively

PLACE: Metroplan Orlando, Suite 355, 315 East Robinson Street, Orlando, FL 32801

Purpose: Regularly Scheduled Meetings.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order.
2. Chairman’s Announcements.
3. Executive Director’s Announcements.
4. Consent Items.
5. Action Items.
6. Other Business.
7. Executive Director’s Report.
8. Board Member Comments.
9. Public Comments.
10. Adjournment.

A detailed copy of the agenda may also be obtained by contacting: Ms Lewis-Whittington, (407)481-5672, Ext. 314 or by written request to Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

**WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited.

DATE AND TIME: November 21, 2002, 9:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee – to discuss District land issues.

DATE AND TIME: November 21, 2002, 10:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Governing Board Meeting – to consider District business.

DATE AND TIME: November 21, 2002, 10:15 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Public Hearing – to consider Regulatory matters.

DATE AND TIME: November 21, 2002, 10:30 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Public Hearing – to consider Land Acquisition matters.

DATE AND TIME: December 4, 2002, 10:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Governing Board meeting – to consider District business.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, Florida

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at [www.state.fl.us/nwfwmd](http://www.state.fl.us/nwfwmd)).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, 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 or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright, at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited.

DATE AND TIME: November 20, 2002, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Headquarters, Building B-1, Room 3B, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Budget and Finance Advisory Commission meeting to discuss SFWMD Budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** announces a non-CERP project delivery team meeting to which all interested parties are invited.

DATE AND TIME: November 22, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Marathon Garden Club (MM 50), 5270 Overseas Hwy., Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Florida Keys Water Quality Improvement Project Delivery Team (PDT) Kickoff Meeting.

A copy of the agenda may be obtained: (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Cecelia Weaver, Keys Service Center, 10 High Point Road, Suite B, Plantation Key, FL 33070, (305)853-3219.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: December 12, 2002, 8:50 a.m.

PLACE: The South Florida Water Management, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract No. 405-002 and 402-003 consisting of approximately 7.21 acres and lying in Section 17, Township 30 South, Range 30 East, Polk County, Florida.

A copy of the agenda may be obtained: (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Deputy Department Director, Land Acquisition, District Headquarters, 3301 Gun Club Road, Mail Stop Code 3310, West Palm Beach, FL 33406, (561)682-6271.

**REGIONAL UTILITY AUTHORITIES**

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular monthly board meeting as scheduled. This is a public meeting to which all persons are invited.

DATE AND TIME: November 20, 2002, 4:30 p.m.

PLACE: Ocala City Hall, 2nd Floor, City Council Chambers, 151 Southeast Osceola Ave., Ocala, FL 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

**DEPARTMENT OF ELDER AFFAIRS**

The **State Long-Term Care Ombudsman Council** announces the following calls to which all persons are invited.

DATES AND TIME: November 6-8, 2002, 9:00 a.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long-Term Care Ombudsman Program. You may contact: The Office of the Long-Term Care Ombudsman, (850)414-2323 for more information.

The **Northeast Florida Area Agency on Aging** announces a Board of Directors meeting to which all persons are invited.

DATE AND TIME: November 20, 2002, 12:00 Noon, Annual Luncheon immediately followed by business meeting

PLACE: Radisson Ponce de Leon Hotel, 4000 U.S. Highway 1, North, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Board Meeting; General Board business; Election of new members and officers; Review and adopting of Personnel Policies.

A copy of the agenda may be obtained by contacting: The Northeast Florida Area Agency on Aging, Inc., 2nd Floor, 4401 Wesconnett Blvd., Jacksonville, FL 32210, (904)777-2106.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Florida Black Business Investment Board, Inc. (FBBIB)** announces teleconference meetings of its New Markets Tax Credit program and Minority Business Information Center working groups to which all interested persons are invited.

DATES AND TIME: Wednesday, November 20, 2002, New Markets Tax Credit; Thursday, November 21, 2002, Minority Business Information Center, 10:00 a.m.

PLACE: Teleconference Call: (850)487-4850 to be connected

GENERAL SUBJECT MATTER TO BE CONSIDERED: To define strategies for the development of the New Markets Tax Credit program and the Minority Business Information Center.

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.

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: November 18-19, 2002, 8:30 a.m.

PLACE: Department of Management Services, Suite 301, 4050 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting to be held by telephone conference, to which all persons are invited to attend.

DATE AND TIME: November 19, 2002, 10:00 a.m.

PLACE: Access Phone: (850) 921-2548 or Suncom 291-2548

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Architecture and Interior Design** announces the following meeting to be held by telephone conference, to which all persons are invited to attend.

DATE AND TIME: November 20, 2002, 10:00 a.m.

PLACE: Access Phone: (850)410-0960 or Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Cosmetology** to which are persons are invited to participate.

DATE AND TIME: Monday, December 9, 2002, 10:00 a.m. (EST)

PLACE: Telephone conference call. To connect, dial (850)414-1711 or Suncom 994-1711

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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official telephone conference call general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 20, 2002, 10:00 a.m. or shortly thereafter

PLACE: Meet Me Number: (850)414-1710 or Suncom 994-1710

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling the Board Office, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Board Office, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 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, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The **Board of Professional Geologists** announces the following meeting to be held by telephone conference, to which all persons are invited to attend.

DATE AND TIME: November 18, 2002, 10:00 a.m.

PLACE: Access Phone: (850) 410-0964, Suncom 210-0964

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Reconsider Case #2001-01856.

A copy of the agenda may be obtained by writing: Leon Biegalski, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399 or by calling (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Leon Biegalski, by Tuesday, November 15, 2002.

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The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIME: November 13, 2002, 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, Florida 32301, (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 Butler, Building Code Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone (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 Building Code Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Building Code Prosecution Section may be contacted at the address and phone number listed above.

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The **Florida Building Code Administrators and Inspectors Board** announces a telephone conference call to which all persons are invited to participate

DATE AND TIME: November 14, 2002, 11:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL. Telephone Number: (850)410-8045 Suncom 210-8045

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Business and Professional Regulation, Board of Accountancy**, Committee on Continuing Professional Education announces the following meeting to which all persons are invited.

DATE AND TIME: Friday, December 6, 2002, 1:30 p.m.

PLACE: Hilton Westshore, 2225 N. Lois Avenue, Tampa, FL



GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (352)333-2500.

The **Board of Accountancy** announces the following public meeting to which all person are invited.

DATE AND TIME: Monday, November 25, 2002, 9:00 a.m., Independence Task Force

PLACE: Hilton Airport, 2225 Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Independence Task Force meeting to discuss possible changes regarding Independence. This is a public meeting.

A copy of the Board agenda may be obtained by writing: John W. Johnson, Acting Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 4, 2002, 6:00 p.m.

PLACE: Guana Tolomata Matanzas National Estuarine Research Reserve, 9741 Ocean Shore Blvd., Town of Marineland, St. Augustine, Florida 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomata Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Wednesday of the third month of each quarter. The MAG is composed of ten citizens appointed by the three state legislators with overlapping jurisdictions within the reserve boundaries, ten representatives of the local, state and federal government entities with authority and responsibility in the reserve, and one member of the Friends of Guana River State Park (FroG), a private non-profit Citizen Support Organization. The government entities are the National Park Service; the Florida Park Service; the Florida

Fish and Wildlife Conservation Commission; the St. Johns River Water Management District; the Florida Inland Navigation District; the Flagler County Board of County Commissioners; the St. Johns County Board of County Commissioners; the St. Augustine Port, Waterway and Beach Authority; the City of St. Augustine; and the Town of Marineland. The MAG provides advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

The full text of this notice is 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 OF CHANGE – The **Department of Health, Board of Hearing Aid Specialists** announces a change in location of the official board meeting published in the October 4, 2002, Florida Administrative Weekly, Vol. 28 No. 40.

DATE AND TIME: November 22, 2002, 9:00 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301, (850)402-9400

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 Specialist, 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 at 1(800)955-8771. Persons requiring special accommodations due to disability of physical impairment should contact Sue Foster, by November 15, 2002.

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, November 22, 2002, 6:00 p.m.

PLACE: Please contact the Board Office, (850)245-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, Florida Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Board of Nursing**, Legislative Committee and Council on Certified Nursing Assistants will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: November 13, 2002, 4:00 p.m.

PLACE: Department of Health, Tallahassee Meet Me Number (850)921-6623 or Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposed changes to Chapter 464, F.S., and other certified nursing assistant issues.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Nursing, (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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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 **Department of Health, Board of Nursing** announces a public meeting to which all interested persons are invited.  
CNA Council Meeting

DATE AND TIME: Monday, November 18, 2002, 9:30 a.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider rules on practice and training programs and other related for Certified Nursing Assistants.

A copy of the agenda may be obtained by writing: Dan Coble, RN, Ph.D. Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, BIN #C-02, Tallahassee, FL 32399.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing Office, (850)245-4125, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact

the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: November 18, 2002, 6:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Nursing, (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 at 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 Orthotists and Prosthetists**, Probable Cause Panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, November 22, 2002, 9:00 a.m.

PLACE: Capital Circle Office Complex, Department of Health, 3rd Floor, Room 301, 4042 Bald Cypress Way, Tallahassee, Florida

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 Orthotists and Prosthetists, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Orthotists and Prosthetists, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Orthotists and Prosthetists** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, November 22, 2002, 11:00 a.m.

PLACE: Capital Circle Office Complex, Department of Health, 4042 Bald Cypress Way, 3rd Floor, Room 301, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Orthotists and Prosthetists, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 15, 2002, 10:00 a.m.

PLACE: Department of Health, 3rd Floor, Room 301, 4025 Bald Cypress Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide recommendations to the Children's Medical Services Program office on the implementation of the Children's Medical Services Network.

A copy of the agenda may be obtained by writing: Florida Department of Health, Children's Medical Services, 4052 Bald Cypress Way, BIN #A06, Tallahassee, Florida 32399-1707.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)245-4200.

The Florida **Emergency Medical Services Advisory Council** announces a telephone conference call to be held.

DATE AND TIME: November 18, 2002, 10:00 a.m. – 12:00 Noon (EST)

PLACE: Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, BIN #C18, Tallahassee, FL 32399, via Meet Me Number 1(800)647-7427

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, BIN #C18 (HEMS), Tallahassee, Florida 32399-4881 or call (850)245-4055.

P.O. #B00829

NOTICE OF CANCELLATION – The **Department of Health**, Division of EMS and Community Health Resources, Office of Rural Health announces a notice of Rule Development Workshop (Rule 64E-26, Rural Health Networks) was filed in Vol. 28 No. 43 of the Florida Administrative Weekly. The notice was published on October 25, 2002. The workshops scheduled for November 12-13, 2002, have been cancelled.

The person to be contacted regarding cancellation of this workshop is: Susan Gay, Director, Office of Rural Health, Department of Health 4052 Bald Cypress Way, BIN #C-015, Tallahassee, Florida 32399-1738, (850)245-4340, Ext. 2706, email: susan\_gay@doh.state.fl.us.

The **Tobacco-Free Partnership of Bay County** will hold a public meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, November 20, 2002, 4:00 p.m.

PLACE: Bay County Health Department, 597 West 11th St., Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Purpose is to discuss budget issues and upcoming events.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Tobacco-Free Partnership, (850)872-4455, Extension 136, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the above number using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made 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 from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Tobacco Prevention Coordinator, Bay County Health Department, 597 West 11th Street, Panama City, Florida 32401.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Developmental Disabilities Program of the **Department of Children and Family Services** announces a meeting of the Interagency Quality Council to which all interested persons are invited.

**DATES AND TIMES:** November 20, 2002, 10:00 a.m. – 5:00 p.m.; November 21, 2002, 9:00 a.m. – 1:00 p.m.

**PLACE:** Diamond Head Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida 33931, (239)765-7654

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A regularly scheduled quarterly meeting for the purpose of planning and review of quality assurance for Developmental Disabilities.

A copy of the agenda may be obtained by contacting: Michael Freeman, Developmental Disabilities Program Office, (850)488-4877, Ext. 118.

The Northwest Florida Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2A announces a meeting to which all persons are invited. The Alliance encompasses: Bay, Gulf, Washington, Holmes, Calhoun and Jackson counties.

**DATE AND TIME:** Thursday, December 12, 2002, 2:00 p.m. – 4:00 p.m. (CST)

**PLACE:** W. T. Neal Civic Center, 17773 North Pear Street, Blountstown, FL 32424, (850)674-4500

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular meeting of the NorthWest Florida Community Based Care Alliance. Agenda includes update on negotiations for lead agency designation, and discussion of Alliance role and function.

**NOTE:** Previously scheduled meetings for November 2002, and December 19, 2002, are cancelled. This meeting will take the place of the regularly scheduled November and December meetings.

A copy of the agenda can be obtained by calling: Debra Ervin, Department of Children and Family Services, (850)488-0569 or Suncom 278-0569.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Debra Ervin), at least 2 working days prior to the meeting at (850)488-0569 or 1(800)226-6223 (TDD).

**NAVIGATION DISTRICTS**

The **West Coast Inland Navigation District** announces the following Board of Commissioners meeting to which all interested parties are invited.

**DATE AND TIME:** Friday, November 15, 2002, 10:30 a.m.

**PLACE:** Venice City Hall, 401 West Venice Avenue, Venice, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Navigation District.

A copy of the agenda for this meeting may be obtained by writing: WCIND, P. O. Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

**FLORIDA HOUSING FINANCE CORPORATION**

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** (“Florida Housing”) will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) to which all interested persons are invited.

**DATE AND TIME:** Monday, November 18, 2002, 10:00 a.m. (EST)

**PLACE:** The Offices of Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

The Palms of Vero Beach, a 260-unit multifamily residential rental development to be located at the north west corner of Indian River Boulevard and 12th Street, Vero Beach, Indian River County, Florida 32960. The prospective owner of the proposed development is The Palms at Vero Beach LP, c/o Brisben Advisors Inc., 7800 East Kemper Road, Cincinnati, Ohio 45249, or such successor in interest in which Brisben Advisors, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$10,871,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Friday, November 15, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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Concerning Issuance of Bonds to Finance Multifamily  
Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Monday, November 18, 2002, 10:00 a.m. (EST)

PLACE: The Offices of Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Meadow Pointe Apartments, a 238-unit multifamily residential rental development to be located at Barnes Boulevard and Three Meadows Drive, Rockledge, Brevard County, Florida 32955. The prospective owner of the proposed development is Brisben Florida II Limited Partnership, c/o Brisben Advisors, Inc., 7800 East Kemper Road, Cincinnati, Ohio 45249, or such successor in interest in which Brisben Advisors, Inc., or an

affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$12,760,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Friday, November 15, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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Concerning Issuance of Bonds to Finance Multifamily  
Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Monday, November 18, 2002, 10:00 a.m. (EST)

PLACE: The Offices of Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Heron Cove Apartments (fka: Saddlebrook Village Phase II), a 298-unit multifamily residential rental development to be located north of Davis Boulevard, east of Radio Road along Saddlebrook Drive, Naples, Collier County, Florida 34113.

The prospective owner of the proposed development is Creative Choice Homes XIV, Ltd., c/o Creative Choice Homes, Inc., 4243-D Northlake Boulevard, Palm Beach Gardens, Florida 33410, or such successor in interest in which Creative Choice Homes, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$15,900,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Friday, November 15, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning the ballyhoo fishery, to which all interested persons are invited.

DATE AND TIME: November 20, 2002, 2:00 p.m. – 4:00 p.m.  
 PLACE: Marathon Government Center, 2nd Floor, 2793 Overseas Highway, Marathon, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission are holding a workshop to gather public testimony regarding options to limit entry to the ballyhoo fishery.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

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

For further information, contact: Dr. Roy E. Crabtree, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

**COMMUNITY BASED CARE OF VOLUSIA AND FLAGLER**

The **Community Based Care of Volusia and Flagler** (CBCVF) announces a Board of Directors meeting to which all persons are invited.

DATE AND TIME: November 8, 2002, 8:00 a.m.

PLACE: 160 North Beach Street, Daytona Beach, FL 32119

GENERAL SUBJECT MATTER TO BE CONSIDERED: CBCVF is having a public board of directors meeting.

Anyone needing special accommodations should contact Shawn Salamida, (386)238-4900.

**ENTERPRISE FLORIDA**

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida, Inc. Rural Working Group

DATE AND TIME: Tuesday, November 12, 2002, 1:00 p.m. – 2:30 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida Inc. Competitiveness Working Group Meeting

DATE AND TIME: Tuesday, November 12, 2002, 2:30 p.m. – 4:30 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are

hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida, Inc. Marketing Meeting

DATE AND TIME: Tuesday, November 12, 2002, 4:30 p.m. – 5:30 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida, Inc. Partner Council Meeting

DATE AND TIME: Wednesday, November 13, 2002, 8:00 a.m. – 12:00 Noon

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida, Inc. Strategic Planning Committee

DATE AND TIME: Wednesday, November 13, 2002, 1:00 p.m. – 2:00 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are

hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida Defense and Space Advisory Council Meeting

DATE AND TIME: Wednesday, November 13, 2002, 1:30 p.m. – 4:00 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida, Inc. Florida International Business Council

DATE AND TIME: Wednesday, November 13, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida, Inc. Small Business Council Meeting

DATE AND TIME: Wednesday, November 13, 2002, 2:00 p.m. – 3:30 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida Inc. Florida TEC Leadership Council Meeting

DATE AND TIME: Wednesday, November 13, 2002, 3:30 p.m. – 5:30 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida, Inc. Legislative Committee

DATE AND TIME: Wednesday, November 13, 2002, 4:00 p.m. – 5:00 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

MEETING: Enterprise Florida, Inc. Board of Directors Meeting

DATE AND TIME: Thursday, November 14, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida 32830, (407)827-3364

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4600, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, November 14, 2002, 1:00 p.m. (EST)

PLACE: Crown Plaza Universal Blvd., 7800 Universal Blvd., Orlando, FL 32819

MEETING: Outreach Committee Meeting

DATE AND TIME: Thursday, November 14, 2002, 2:00 p.m. (EST)

PLACE: Crown Plaza Universal Blvd., 7800 Universal Blvd., Orlando, FL 32819

MEETING: Planning Committee Meeting

DATE AND TIME: Thursday, November 14, 2002, 3:00 p.m. (EST)

PLACE: Crown Plaza Universal Blvd., 7800 Universal Blvd., Orlando, FL 32819

MEETING: Finance Committee Meeting

DATE AND TIME: Thursday, November 14, 2002, 4:00 p.m. (EST)

PLACE: Crown Plaza Universal Blvd., 7800 Universal Blvd., Orlando, FL 32819

MEETING: Executive Committee Meeting

DATE AND TIME: Wednesday, November 20, 2002, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, November 21, 2002, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Outreach Committee Meeting

DATE AND TIME: Tuesday, November 26, 2002, 4:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Tuesday, December 3, 2002, 2:00 p.m. (EST)



PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday December 4, 2002, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Outreach Committee Meeting

DATE AND TIME: Wednesday, December 4, 2002, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Development Committee Meeting

DATE AND TIME: Wednesday, December 11, 2002, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Wednesday, December 18, 2002, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, December 19, 2002, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Outreach Committee Meeting

DATE AND TIME: Tuesday, December 24, 2002, 4:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Full Council Quarterly Meeting

DATE AND TIME: Thursday, November 14, 2002, 9:00 a.m. – 5:00 p.m. (EST)

PLACE: Crowne Plaza Universal, 7800 Universal Blvd., Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days

prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

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### FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay**, Inc. announces a regular meeting of the Board of Directors by conference call.

DATE AND TIME: Thursday, November 14, 2002, 1:30 p.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301

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.

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### FLORIDA WATER SERVICES AUTHORITY

The **Florida Water Services Authority** (the "Authority") will hold a public hearing on:

DATE AND TIME: November 18, 2002, 9:00 a.m.

PLACE: Hyatt Regency Orlando International Airport, Lobby Floor, The Briefing Room, 9300 Airport Blvd., Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment on and to consider whether the acquisition of the water, wastewater and reuse facilities of Florida Water Services Corporation (the "Utility") pursuant to the terms of the Asset Purchase Agreement is in the public interest; and to receive public comment on and consider the adoption of a rate resolution establishing utility rates, fees and charges, and the adoption of service, extension and other utility policies and procedures by the Authority for the customers of the Utility's water, wastewater and reuse water facilities which prospectively, in the event of an acquisition by the Authority of the Utility, may become customers of the Authority.

In accordance with the provisions of the Americans With Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding should, within three (3) days prior to any proceedings, contact (850)916-5420. All persons are advised that, if they decide to appeal any decision made at this 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. This notice does not constitute consent by the Authority for the introduction or admission of evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. All interested parties may appear at the above public hearing at the stated time and place fixed for said public hearing and be given an opportunity to express their views for or against the proposal with respect thereto. The hearing may be continued from time to time as may be necessary. The public record of this meeting may be examined at the Authority's temporary office, 1070 Shoreline Drive, Gulf Breeze, Florida 32561.

**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 19, 2002, 2:00 p.m.  
 PLACE: Moffitt Research Center, Auditorium, 13131 Magnolia Drive, Tampa, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.  
 A copy of the agenda may be obtained by writing: Ms. Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Payne, by November 15, 2002.

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 20, 2002, 1:30 p.m.  
 PLACE: Moffitt Board Room, 12902 Magnolia Drive, Tampa, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.  
 A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Barbara Sawyer, by Friday, November 15, 2002.

**SUNSHINE STATE ONE CALL OF FLORIDA**

The **Sunshine State One Call of Florida**, Inc. (SSOCOF) announces its Board and Committee meetings to which all interested persons are invited. Dress is business casual.

DATE AND TIMES: November 21, 2002  
 8:30 a.m. Operations Committee  
 12:00 Noon Lunch – provided at Call Center  
 1:00 p.m. Safety and Compliance Committee  
 2:00 p.m. Finance Committee  
 3:00 p.m. Break  
 3:30 p.m. Board Development Committee  
 4:00 p.m. Executive Committee  
 4:30 p.m. Executive Review Committee  
 5:00 p.m. Adjourn

DATE AND TIMES: November 22, 2002  
 8:00 a.m. Board of Directors Meeting  
 9:30 a.m. Committee Reports  
 12:00 Noon Lunch – provided at Call Center  
 5:00 p.m. Adjourn

PLACE: SSOCOF Call Center, 11 Plantation Road, DeBary, FL 32713

Any person requiring some accommodation at this meeting because of a physical impairment should call the One-Call Notification Center, (386)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the One-Call Notification Center through the Florida Relay Center at 1(800)955-8771.

**AMERICAN HERITAGE RIVERS**

The **American Heritage Rivers Lower Basin Advisory Committee** announces the following meeting to which all persons are invited.

MEETING: Lower Basin Advisory Committee  
 DATE AND TIME: November 22, 2002, 10:00 a.m.  
 PLACE: Putnam County Chamber of Commerce, 1100 Reid Street (US 17), Palatka, Florida 32177  
 GENERAL SUBJECT MATTER TO BE DISCUSSED: General discussion as to where the Committee stands, activities that have taken place, and future plans.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meeting is requested to advise Kyia Tiffany, at least 48 hours before the meeting at (386)329-4435.

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has issued an order denying the petition for declaratory statement filed by Florida Keys Electric Cooperative Association, Inc. on July 29, 2002. The final order was issued on October 23, 2002, denying the petition because a declaratory statement is not appropriate where there is no doubt or uncertainty concerning the applicability of statutory provisions, rules, or orders over which the agency has authority, and where the statement will not resolve any controversy. In addition, a proceeding is pending at the Division of Administrative Hearings that addresses the same subject; resolution of that proceeding would render the petition for declaratory statement moot; and the Commission does not have the evidence to make the legal decision that is requested without an evidentiary hearing.

A copy of the order may be obtained: <http://www.psc.state.fl.us/> or by writing Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862. Docket No.: 020829-EC.

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: 03L-47, Buckman Hall Electrical Upgrade, estimated budget: \$275,000-\$300,000, to be opened December 5, 2002, 2:00 p.m. (Local Time). Scope of work: New electrical service for Buckman Hall, including new meter at existing transformer, new switchboard, new distribution and branch circuit panels. Reconnection of existing dorm room lighting with new conduit, removal and replacement of dorm room receptacles and circuiting throughout installed in wood bases. Reconnection of all existing electricals not otherwise removed and the replacement of all receptacles remaining. Specifications and Plans are available in Central Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611, (352)392-1331.

A Mandatory Pre-Bid Meeting will be held November 25, 2002, 9:30 a.m., in the Murphree Commons Conference Room, Southwest corner of West University Avenue and Fletcher Drive, Gainesville, FL.

All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

**WATER MANAGEMENT DISTRICTS**

**REBID OF FOUR FREEDOMS TRAIL**  
**PHASE I IMPROVEMENTS**

Sealed bids will be received by the Madison County Board of County Commissioners for:

PROJECT TITLE: Four Freedoms Trail, Phase I.

PROJECT NUMBER: LWCF 12-00394.

PROJECT SCOPE: This project is being constructed through an agreement between the Suwannee River Water Management District and Madison County, Florida. Funding for construction is provided in part by a grant from the Florida

Department of Environmental Protection, Land and Water Conservation Fund Program. The project involves improving two miles of abandoned railroad bed to provide a firm and stable trail surface by importing fill. The project also includes construction of a grass parking area, fencing, signage, and a section of gravel trail. Estimated cost is under \$90,000.

**PROJECT LOCATION:** The project is located in Madison County, Florida, approximately one mile north of Pinetta.

**BID DOCUMENTS:** Any individual or firm desiring to bid on this project may obtain a copy of the Plans, Specifications and Request for Bid at a cost of approximately \$17.00 by contacting Hunter Printing Co., 2410 First Street, Lake City, Florida 32025, (386)752-2707.

**BID DATE AND TIME:** Sealed bids will be received until 9:00 a.m., Friday, December 6, 2002, at the Madison County Commission Board Room, 112 East Pinckney Street, Suite 219, Madison, Florida 32340. Clearly label all bids, "Four Freedoms Trail, Phase I, Bid No. LWCF 12-00394". Faxed bids will not be accepted.

**BID REQUIREMENTS:** Bids must be submitted in full accordance with the requirements of the drawings, specifications, and bid documents. There will be no pre-bid meeting.

For further assistance contact: Barney Bennette, Water Resource Engineer, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066, Florida only.

**DEPARTMENT OF ELDER AFFAIRS**

The Northwest Florida Area Agency on Aging, Inc., is receiving sealed bids for the delivery of Community Care for the Elderly case management and related coordinating functions for Escambia, Okaloosa and Walton Counties for the period January 1, 2003 through June 30, 2005. Detailed specifications are contained in the Request for Proposals available after 1:00 p.m. (CST), Tuesday, October 29, 2002, in the area agency office at 3300 North Pace Blvd., Suite #200, Pensacola, Florida 32505. Proposals are due in the area agency office by 4:00 p.m. (CST), Tuesday, November 26, 2002. The area agency on aging reserves the right to reject any or all proposals.

**DEPARTMENT OF MANAGEMENT SERVICES**

**NOTICE REGARDING ELECTRONIC POSTING**

Pursuant to Section 287.042(3)(b)2., Florida Statutes, the Department of Management Services hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES**

**PROJECT NUMBER:** DJJ-22004000

**PROJECT NAME:** New Addition Classrooms, Martin High Risk Facility

**PROJECT LOCATION:** 98 S. W. ALLAPATTAH ROAD, INDIANTOWN, Martin County, Florida

The Department of Management Services, Division of Building Construction, requests qualifications from construction management firms to provide construction management and design services for this project. The construction budget for this project is up to \$541,710. Design start date is March 2003.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria of the Division of Building Construction.

**INSTRUCTIONS**

Firms interested in being considered for this project must submit 6 (six) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085. (Financial statements will be for confidential review by the Selection Committee members only).
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

**RESPONSE DUE DATE:** December 2, 2002 before 4:00 p.m. Applications are to be sent to: Richard N. Arcuri, Department of Management Services, 1313 N. Tampa Street, Suite 106, Tampa, Florida 33602.

**DATE AND LOCATION OF SHORTLIST:** December 9, 2002, T.B.D.

**DATE AND LOCATION FOR WORKSHOP:** December 16, 2002, 98 SOUTHWEST ALLAPATTAH ROAD, INDIANTOWN, FLORIDA

**DATE AND LOCATION FOR INTERVIEWS:** December 10, 2002, 98 S. W. ALLAPATTAH ROAD, INDIANTOWN, FLORIDA

**NOTICE OF DECISION DATE:** December 17, 2002

Any persons requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1 (800)955-8771 (TDD). Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>.

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will also be published in the Florida Administrative Weekly and on our web site.

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### FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals  
2002/08 Printing Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide printing services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m. (Eastern Time), November 22, 2002, to the attention of Robin Grantham, Senior Contracts Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham, (850)488-4197 or [robin.grantham@floridahousing.org](mailto: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/rfps.html>. 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.

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### FISH AND WILDLIFE CONSERVATION COMMISSION

DOCUMENT 00910

ADDENDUM NUMBER (1)

DATE: October 25, 2002

PROJECT NO.: Construction of Four Boat Ramps in Central and South Florida

PROJECT NO. FWC 02/03-25

OWNER: Florida Fish and Wildlife Conservation Commission

TO: Prospective Bidders

Acknowledge receipt of this Addendum in the space provided in the Bid Form – Document 00311. Failure to do so may disqualify the Bidder.

This Addendum forms a part of the Contract Documents and modifies the Bidding Documents dated October 2002, with amendments and changes noted below.

CHANGES TO THE PROJECT MANUAL – NONE

CLARIFICATIONS TO SCOPE OF WORK – SHEET 1 OF ATTACHMENT 1

CHANGES TO DRAWINGS – SHOWN ON SHEETS 1, 2, & 3 OF ATTACHMENT 1

This Addendum consists of one page and the Attachment Sheets 1 through 3 as follows:

- Sheet 1. Clarifications to Scope of Work and changes to Sheet 7/8 of Drawings.
- Sheet 2. Details of the Prestressed Slab Design to be added to Sheet 7/8 of Drawings.
- Sheet 3. Changes to be made to Sheet 3/8 of Drawings to clarify area to be demolished.

INSERT MAP  
PAGE 1 OF 3

INSERT MAP  
PAGE 2 OF 3

INSERT MAP  
PAGE 3 OF 3



**VOLUNTEER FLORIDA**

Volunteer Florida is pleased to announce a Request for Proposals for 2003-2004 to establish AmeriCorps programs. Proposals must be submitted by 5:00 p.m. (EST), Monday, February 3, 2003, Volunteer Florida, 115 Progress Drive, Tallahassee, FL 32304. Eligibility criteria, guidelines, application forms, and technical assistance information is available at [www.volunteerflorida.org](http://www.volunteerflorida.org) under Funding Opportunities.

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## Section XII Miscellaneous

**DEPARTMENT OF BANKING AND FINANCE****NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, 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 Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 29, 2002):

**APPLICATION FOR AUTHORITY  
TO EXERCISE TRUST POWERS**

Applicant and Location: Marine Bank of the Florida Keys, Marathon, Florida 33050

Received: October 28, 2002

The Department of Banking and Finance has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.dbf.state.fl.us/banking.html>.

Name and Address of Applicant: First Choice Credit Union, 1055 South Congress Avenue, West Palm Beach, Florida 33406

Expansion Includes: Persons who live or work in Palm Beach County.

Received: October 28, 2002

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**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American IronHorse Motorcycle Company, intends to allow the establishment of Treasure Coast Harley-Davidson of Stuart, Inc., as a dealership for the sale of American IronHorse Motorcycles, at 4967 S. E. Federal Hwy., Stuart (Martin County), Florida 34997 on or after October 8, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Treasure Coast Harley-Davidson of Stuart, Inc. are dealer operator(s) and principal investor(s): James Labar, 4967 S. E. Federal Hwy., Stuart, FL 34997.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Elizabeth A. Owens, VP, Marketing and Sales, American IronHorse Motorcycle Company, 4600 Blue Mound Rd., Ft. Worth, TX 76106.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Leewood Incorporated, intends to allow the establishment of Florida Electric Vehicles, Inc., as a dealership for the sale of Lamborghini Electric Vehicles, at 3299 Southwest 42nd Avenue, Palm City (Martin County), Florida, on or after October 11, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Florida Electric Vehicles, Inc. are dealer operator(s) and principal investor(s): Thomas L. Newman, 232 Royal Palm Way, Boca Raton, FL 33432.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael Jun, CEO, Leewood Incorporated, 6918 Remington Road, Brooksville, FL 34602.

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.

Amended Notice Regarding Establishment of Dealership Amendment to the Notice of Intent published on October 25, 2002 to establish G.F.B. Enterprises, LLC d/b/a Lexus of Kendall, as a dealership at the Northeast corner of S. W. 137th Avenue and S. W. 136th Street, Miami (Dade County), Florida 33186. The following legal description was inadvertently omitted.

A portion of the Northeast 1/4 of Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida, described as follows: Commence at the Northeast corner of said Section 22; thence run South 01°21'22" West, along the East Line of said Section 22, for a distance of 898.26 feet to a point; thence run North 89°46'56" West for a distance of 55.01 feet to the Point of Beginning of the hereinafter described parcel; thence continue North 89°46'56" West for a distance of 526.32 feet to a point; thence run North 68°16'45" West for a distance of 214.49 feet to a point on a circular curve concave to the Northwest, said point bears South 68°21'00" East from the center of said curve; thence run Northeasterly along the arc of said curve, having for its elements a radius of 5000.00 feet and a central angle of 2°52'05" for an arc distance of 250.27 feet to a point of compound curvature of a circular curve concave to the West; thence run Northeasterly along the arc of said curve, having for its elements a radius of 280.00 feet and a central

angle of 18°33'40" for an arc distance of 90.71 feet to the point of tangency; thence run North 00°13'16" East for a distance of 271.62 feet to a point; thence run South 89°46'56" East for a distance of 598.96 feet to a point on a circular curve concave to the West, said point bears North 84°32'11" East from the center of said curve; thence run Southeasterly along the arc of said curve, having for its elements a radius of 5674.58 feet and a central angle of 6°49'12" for an arc distance of 675.45 feet to the Point of Beginning.

Containing 9.9002 acres, more or less.

-and-

A portion of the Northeast 1/4 of Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida, described as follows: Commence at the Northeast corner of said Section 22; thence run South 87°36'46" West, along the North line of said Section 22, for a distance of 300.64 feet to a point; thence run South 01°21'29" West for a distance of 40.09 feet to a point on a line parallel with and 40.00 feet South of, as measured at right angle to the North line of said Section 22, said point also being the Point of Beginning of the hereinafter described parcel; thence run North 87°36'46" East, along the previously described line, for a distance of 144.30 feet to a point of curvature of a circular curve concave to the Southwest; thence run Northeasterly, Easterly and Southeasterly along the arc of said curve, having for its elements a radius of 40.00 feet and a central angle of 85°29'14", for an arc distance of 59.68 feet to a point of compound curvature of a circular curve concave to the West; thence run Southeasterly along the arc of said curve, having for its elements a radius of 5674.58 feet and a central angle of 1°26'11", for an arc distance of 142.26 feet to a point; thence run North 89°46'56" West for a distance of 598.96 feet to a point; thence run North 00°13'16" East for a distance of 151.73 feet to a point on a line parallel with and 40.00 feet South of, as measured at right angle to the North line of said section 22; thence run North 87°36'46" East along the previously described line for a distance of 397.84 feet to the Point of Beginning.

Containing 2.2269 acres, more or less.

-and-

A portion of the Northeast 1/4 of Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida, described as follows: Commence at the Northeast corner of said Section 22; thence run South 87°36'46" West, along the North line of said Section 22, for a distance of 1394.45 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of said Section 22, said line also being the East line of "TAMIAIR INDUSTRIAL PARK SECTION 1" according to the plat thereof, as recorded in Plat Book 109, at Page 18, of the Public Records of Miami-Dade County, Florida, thence run South 00°13'16" West, along the previously described line for a distance of 40.04 feet to the Point of Beginning of the hereinafter described parcel; thence continue South 00°13'16" West, along the previously described line for a distance of

1199.93 feet to a point; thence run South 89°46'56" east for 283.61 feet to a point on a circular curve concave to the Northwest, said point bears South 61°46'04" East from the center of said curve; thence run Northeasterly along the arc of said curve, having for its elements a radius of 4920.00 feet and a central angle of 9°27'00" for an arc distance of 811.48 feet to a point of compound curvature of a circular curve concave to the West; thence run Northeasterly along the arc of said curve, having for its elements a radius of 200.00 feet and a central angle of 18°33'40" for an arc distance of 64.79 feet to the point of tangency; thence run North 00°13'16" East for a distance of 273.34 feet to a point; thence run North 89°46'56" West for a distance of 175.00 feet to a point; thence run North 00°13'16" East for a distance of 138.40 feet to a point on a line parallel with and 40.00 feet South of, as measured at right angle to the North line of said Section 22; thence run South 87°36'46" West, along the previously described line for a distance of 439.91 feet to the Point of Beginning.

Containing 13.8376 acres, more or less.

-and-

A portion of the Northeast 1/4 of Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida, described as follows: Commence at the Northeast corner of said Section 22; thence run South 87°36'46" West, along the North line of said Section 22, for a distance of 300.64 feet to a point; thence run South 01°21'29" West for a distance of 40.09 feet to a point on a line parallel with and 40.00 feet South of, as measured at right angle to the North line of said Section 22; thence run South 87°36'46" West, along the previously described line for a distance of 477.92 feet to the Point of Beginning of the hereinafter described parcel; thence continue South 87°36'46" West, along the previously described line for a distance of 175.18 feet to a point; thence run South 00°13'16" West for a distance of 138.40 feet to a point; thence run South 89°46'56" East for a distance of 175.00 feet to a point; thence run North 00°13'16" East for a distance of 146.36 feet to the Point of Beginning.

Containing 0.5720 acres, more or less.

Pursuant to Section 320.642, Florida Statutes, Lexus, a Division of Toyota Motor Sales, U.S.A., Inc., intends to allow the establishment of G.F.B. Enterprises, LLC d/b/a Lexus of Kendall, as a dealership for the sale of Lexus automobiles, at the Northeast corner of S. W. 137th Avenue and S. W. 136th Street, Miami (Dade County), Florida 33186, on or after January 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of G.F.B. Enterprises, LLC d/b/a Lexus of Kendall are dealer operator(s) and principal investor(s): Gerald F. Bean, 10943 South Dixie Highway, Miami, FL 33156.

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: Edward J. Laukes, Lexus, a Division of Toyota Motor Sales, U.S.A., Inc., 11540 Great Oaks Way, Alpharetta, GA 30022.

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.

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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, Yamaha Motor Corporation, USA, intends to allow the establishment of Pasco Powersports, Inc., as a dealership for the sale of Yamaha motorcycles, at 8822 U.S. 19, North, on property which is more particularly described as follows: Hermanson Subdivision, Lots 1 and 2, Block 1, Map Book 2, Page 50 of the Public Records of Pasco County, Florida, plus The East 283.50 feet of Lot "A", Block 1, Hermanson Subdivision, As shown on Plat recorded in Plat Book 2, Page 50 of the public records of Pasco County, Florida, Less the south 3.00 feet. Together with an easement of ingress and egress over the east 313.50 feet of said lot "A". Containing 27930.4 square feet (0.6412 acres), New Port Richey (Pasco County), Florida 34668, on or after November 15, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Pasco Powersports, Inc. are dealer operator(s): Maurice A. Thorne, 550 Bowline Bend, New Port Richey, FL 34642; principal investor(s): Noel C. Hughes, 2132 Cedar Drive, Dunedin, FL 34698, Maurice A. Thorne, 550 Bowline Bend, New Port Richey, FL 34642 and Marty Skapick, 491 Hammock Drive, Palm Harbor, FL 34683.

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: Russell D. Jura, Senior Vice President, Yamaha Motor Corporation, USA, 6555 Katella Avenue, Cypress, CA 90630-5101.

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.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Volusia District: 4  
ID #: 0200016 Decision: A Issue Date: 10/24/2002  
Facility/Project: The Health Center of Daytona Beach  
Applicant: The Health Center of Daytona Beach, Inc.  
Project Description: Divide CON #9406 into two components of 13 beds and 47 beds.  
Proposed Project Cost: \$50,000

**CERTIFICATE OF NEED  
LETTERS OF INTENT**

The Agency For Health Care Administration received and accepted the following letters of intent for the November 27, 2002 application filing date for Other Beds and Programs batching cycle:

County: Escambia District: 1  
Date Filed: October 28, 2002 LOI#: N0210001

Facility/Project: Century Care Center  
Applicant: Century Care Center Investors, Inc.  
Project Description: Add up to 12 community skilled nursing beds through the delicensure of up to 12 community skilled nursing beds at Santa Rosa Care Center

County: Sumter District: 3  
Date Filed: October 25, 2002 LOI#: H0210002

Facility/Project: Avante at the Villages, Inc.  
Applicant: Avante at the Villages, Inc.  
Project Description: Establish up to a 150-bed community nursing facility through the delicense of a like number of community beds at Avante at Inverness, Avante at Leesburg, Avante at Mt. Dora and Oakwood Nursing Center in Ocala

County: Lake District: 3  
Date Filed: October 18, 2002 LOI#: H0210003

Facility/Project: Hospice of Lake & Sumter, Inc.  
Applicant: Hospice of Lake & Sumter, Inc.  
Project Description: Convert four residential hospice beds to four inpatient hospice beds

County: Sumter District: 3  
Date Filed: October 18, 2002 LOI#: H0210004

Facility/Project: Hospice of Lake & Sumter, Inc.  
Applicant: Hospice of Lake & Sumter, Inc.

Project Description: Convert eight residential hospice beds to eight inpatient hospice beds  
County: Pinellas District: 5  
Date Filed: October 28, 2002 LOI#: H0210005  
Facility/Project: Mease Hospital – Countryside  
Applicant: Trustees of Mease Hospital, Inc.  
Project Description: Establish an adult open-heart surgery program  
County: Pinellas District: 5  
Date Filed: October 25, 2002 LOI#: H0210006  
Facility/Project: The Springs at Boca Ciega Bay  
Applicant: Fountains Senior Properties of Florida, Inc.  
Project Description: Add up to 20 community nursing beds through delicensure of 20 community beds at Swanholm Nursing and Rehabilitation Center  
County: Pinellas District: 5  
Date Filed: October 25, 2002 LOI#: H0210007  
Facility/Project: College Harbor Retirement Community  
Applicant: Senior Living Center, Inc.  
Project Description: Add up to 10 community nursing beds through delicensure of 10 community beds at Swanholm Nursing and Rehabilitation Center

County: Polk District: 6  
Date Filed: October 28, 2002 LOI#: H0210008  
Facility/Project: Heart of Florida Regional Medical Center  
Applicant: Haines City HMA, Inc.  
Project Description: Establish an adult open-heart surgery program  
County: Polk District: 6  
Date Filed: October 10, 2002 LOI#: H0210009  
Facility/Project: Winter Haven Hospital  
Applicant: Winter Haven Hospital, Inc.  
Project Description: Establish an adult open-heart surgery program  
County: Hillsborough District: 6  
Date Filed: October 28, 2002 LOI#: H0210010  
Facility/Project: TR & SNF, Inc.  
Applicant: TR & SNF, Inc.  
Project Description: Establish up to a 120-bed community skilled nursing facility through the delicensure of up to 120 community skilled nursing beds at University Villages Nursing Center

County: Orange District: 7  
 Date Filed: October 28, 2002 LOI#: H0210011  
 Facility/Project: Orlando Lutheran Towers, Inc.  
 Applicant: Orlando Lutheran Towers, Inc.  
 Project Description: Establish a hospice program

County: Orange District: 7  
 Date Filed: October 25, 2002 LOI#: H0210012  
 Facility/Project: Florida Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: Establish a pediatric cardiac catheterization program

County: Orange District: 7  
 Date Filed: October 25, 2002 LOI#: H0210013  
 Facility/Project: Florida Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: Establish a pediatric open-heart surgery program

County: Lee District: 8  
 Date Filed: October 23, 2002 LOI#: H0210014  
 Facility/Project: Hope of Southwest Florida, Inc.  
 Applicant: Hope of Southwest Florida, Inc.  
 Project Description: Establish up to a 24-bed inpatient hospice house

County: Dade District: 11  
 Date Filed: October 28, 2002 LOI#: H0210015  
 Facility/Project: Aventura Hospital and Medical Center  
 Applicant: Miami Beach Healthcare Group, Ltd.  
 Project Description: Establish an adult open-heart surgery program

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after January 2, 2003, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on December 13, 2002.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION**

The Florida Department of Environmental Protection has determined that the proposed project involving wastewater treatment plant and collection system improvements will not adversely affect the environment.

The full text of this notice is 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".

For more information regarding the Categorical Exclusion Notification, please call: Troy Mullis, (850)245-8358.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN October 21, 2002  
 and October 25, 2002

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**  
**University of South Florida**

6C4-4.0101	10/25/02	11/14/02		Newspaper
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**STATE BOARD OF ADMINISTRATION**

19-8.010	10/23/02	11/12/02	28/34	
19-8.029	10/23/02	11/12/02	28/34	

**WATER MANAGEMENT DISTRICTS**  
**South Florida Water Management District**

40E-8.021	10/22/02	11/11/02	28/32	
40E-8.341	10/22/02	11/11/02	28/32	
40E-8.421	10/22/02	11/11/02	28/32	

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Gateway Services District**

42F-1.002	10/23/02	11/12/02	28/37	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Office of Licensure and Certification**

59A-12.030	10/22/02	11/11/02	28/37	
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**Medicaid Program Office**

59G-6.030	10/21/02	11/10/02	28/30	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

61G15-37.001	10/23/02	11/12/02	28/38	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**  
**Board of Hearing Aid Specialists**

64B6-4.010	10/22/02	11/11/02	28/38	
64B6-7.002	10/22/02	11/11/02	28/34	28/39

**Board of Medicine**

64B8-1.007	10/21/02	11/10/02	28/38	
64B8-2.001	10/21/02	11/10/02	28/38	
64B8-3.004	10/21/02	11/10/02	28/38	
64B8-9.013	10/21/02	11/10/02	28/38	
64B8-55.002	10/23/02	11/12/02	28/38	

**Board of Orthotists and Prosthetists**

64B14-4.003	10/22/02	11/11/02	28/38	
64B14-5.001	10/22/02	11/11/02	28/38	
64B14-5.002	10/22/02	11/11/02	28/38	
64B14-5.003	10/22/02	11/11/02	28/38	

**Board of Physical Therapy Practice**

64B17-3.003	10/22/02	11/11/02	28/38	
64B17-4.003	10/22/02	11/11/02	28/38	

**School Psychology**

64B21-500.002	10/24/02	11/13/02	28/38	
64B21-500.009	10/24/02	11/13/02	28/38	

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Manatees**

68C-22.011	10/25/02	11/14/02	28/25	28/39
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